

### Washington, Thursday, August 21, 1941

### The President

NATIONAL SAFETY CAMPAIGN
BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA

### A PROCLAMATION

The Nation is confronted with a rapidly rising accident toll. At the present rate, the total number of deaths from accidents this year will exceed 100,000. Traffic accidents alone caused 34,500 deaths in 1940, and thus far in the present year there has been an increase of seventeen per cent in traffic fatalities.

By taking a huge toll in life and property, accidents definitely hinder our national defense effort. To insure maximum efficiency we must have maximum safety twenty-four hours a day—not only at work, but also on the highway, at home, everywhere.

The troubled times in which we live must not make us callous or indifferent to human suffering. These unusual times require unusual safety efforts.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the officers and directors of the National Safety Council to mobilize its nation-wide resources in leading a concerted and intensified campaign against accidents, and do call upon every citizen, in public or private capacity, to enlist in this campaign and do his part in preventing wastage of human and material resources of the Nation through accidents.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this

18th day of August in the year of our

Lord nineteen hundred and

[SPAN] forty-one and of the Inde-

[SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

[No. 2502]

[F. R. Doc. 41-6206; Filed, August 20, 1941; 10:28 a. m.] CONTROL OF THE EXPORT OF CERTAIN ARTI-CLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

### A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense", approved July 2, 1940, provides as follows:

SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportations, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued thereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after September 10, 1941, the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation 2413 of July 2, 1940.1 entitled "Administration of section 6 of the Act entitled 'AN ACT To expedite the strengthening of the national defense' approved July 2, 1940":

- 1. Furs
- 2. Synthetic Fibers
- 3. Wood
- 4. Natural Asphalt or Bitumen
- 5. Nonferrous Metals
- 6. Precious Metals

### 15 FR 2467.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19th day of August, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL, Secretary of State

[No. 2503]

[F. R. Doc. 41-6207; Filed, August 20, 1941; 10:28 a. m.]

AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of and in compliance with section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which act was transferred to the said Secretary on July 1, 1939 by Reorganization Plan No. II 1 (53 Stat. 1431), has adopted and submitted to me the following amendments, which he has determined to be suitable amendments of certain of the regulations approved by Proclamation No. 2345 of August 11, 1939, as amended by Proclamation No. 2367 of September 28, 1939, and Proclamation No. 2420 of August 9, 1940, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms

<sup>&</sup>lt;sup>1</sup>4 F.R. 2731. <sup>2</sup>4 F.R. 3621. <sup>8</sup>4 F.R. 4107.

<sup>45</sup> FR. 2813.

of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

Amendments of Migratory Bird Treaty Act Regulations Adopted by the Secretary of the Interior

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which act was transferred to the Secretary of the Interior on July 1, 1939 by Reorganization Plan No. II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby amend, as specified, the regulations, approved by Proclamation No. 2345 of August 11, 1939, as amended by Proclamation No. 2367 of September 28, 1939, and Proclamation No. 2420 of August 9, 1940, and as so amended do hereby adopt such regulations as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

The first paragraph of Regulation 3, "Means by Which Migratory Game Birds May Be Taken", is amended to read as follows:

Regulation 3. Means by Which Migratory
Game Birds May Be Taken

The migratory game birds on which open seasons are specified in regulation 4 of these regulations may be taken during such respective open seasons with bow and arrow or with a shotgun not larger than No. 10 gage, fired from the shoulder, except as permitted by regulations 7, 8, 9, and 10 of these regulations, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut

off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined; they may be taken during the open season from land or water, with the aid of a dog, and from a blind, boat, or floating craft except sinkbox (battery), powerboat, sailboat, any boat under sail, and any craft or device of any kind towed by powerboat or sailboat; but nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind, or to permit the taking of waterfowl by means, aid, or use of cattle, horses, or mules.

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", is amended to read as follows:

Regulation 4. Open Seasons on and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese in Idaho and snow geese and brants in States bordering on the Atlantic Ocean; Ross' geese, and swans), and coots, may be taken each day from sunrise to 4 p. m., and rails and gallinules (other than coots), woodcocks, mourning or turtle doves, white-winged doves, and bandtailed pigeons from sunrise to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State, Alaska, Puerto Rico or in the District of Columbia during the period constituting the open season where taken and for an additional period of 20 days next succeeding said open season, but no such bird shall be possessed in any State, Alaska, Puerto Rico or in the District of Columbia at a time when such State, Alaska, Puerto Rico or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222). nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty

Waterfowl and coot. The open seasons on waterfowl but not including wood ducks (except snow geese in Idaho and snow geese and brant in States bordering on the Atlantic Ocean; Ross' geese, and swans), and coot, in the sev-

eral States, Alaska and Puerto Rico, shall be as follows, both dates inclusive:

In Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, October 1 to November 29.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York, including Long Island, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and West Virginia, October 16 to December 14.

In Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 2 to December 31.

In Puerto Rico, December 15 to February 12.

In Fur Districts 1 and 3 in Alaska, as defined in the regulations governing the taking of game in Alaska adopted June 8, 1940 (5 F.R. 2288), October 1 to November 29; and in the remainder of Alaska, September 1 to October 30: Provided, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30, and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 15, and thereafter from land or water during the open seasons for other waterfowl in these States.

Wood ducks. The open seasons on wood ducks in the States of Alabama, Arkansas, Delaware, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia, shall be the same as the open seasons prescribed in the preceding section for other waterfowl in these States.

Rails and gallinules (except coot). The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31. Louisiana, November 1 to January 31. Maine, October 1 to November 30.

Massachusetts, and New York, including Long Island, October 16 to December 14.

Minnesota, September 16 to November 30.

Puerto Rico, December 15 to February 12.

Tennessee, November 2 to December 31.
Wisconsin, October 1 to November 29.
California, District of Columbia, Ha-

waii, Idaho, Montana, Nevada, Oregon, and Washington, no open season.

Woodcock. The open seasons on woodcock shall be as follows, both dates inclusive:

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Minnesota, Vermont, and Wisconsin, October 1 to October 15.

That part of New York lying south of the line above described and in Conrecticut, and Indiana, October 15 to October 29.

That part of New York known as Long Island, and in New Jersey, and Rhode Island, November 1 to November 15.

Arkansas, and Oklahoma, December 1 to December 15.

Delaware, and Maryland, November 15 to November 29.

Louisiana, and Mississippi, December 15 to December 29.

Maine, New Hampshire, and Ohio, October 10 to October 24.

Massachusetts, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Missouri, November 10 to November 24.
Pennsylvania, October 16 to October

Virginia, November 20 to December 4. West Virginia, October 17 to October 31.

Mourning or turtle dove. The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina, December 1 to January 11.

Arizona, California, Kansas, Missouri, Nevada, New Mexico, and Oklahoma, September 1 to October 12.

Arkansas, Delaware, Kentucky, Maryland, North Carolina, Tennessee, and Virginia, September 16 to October 27.

Idaho, September 1 to September 10.
Illinois, September 1 to September 30.
Minnesota, September 16 to September

Oregon, September 1 to September 15.
Texas, in Yoakum, Terry, Lynn, Garza,
Kent, Stonewall, Haskell, Throckmorton,
Young, Jack, Wise, Denton, Collin, and
Hunt Counties, and all counties north
thereof, and in Parker, Tarrant, Dallas,
Rockwell, Kaufman, Johnson, Hopkins,
Delta, Franklin, and Ellis Counties, September 1 to October 12; in remainder of
State, September 16 to October 27.

White-winged dove. The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15. Texas, September 16 to September 25.

Band-tailed pigeon. The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, New Mexico, and Washington, September 16 to September 30.

California, December 1 to December 15. Oregon, September 1 to September 15. Regulation 5, "Daily Bag and Possession Limits on Certain Migratory Game Birds", is amended to read as follows:

Regulation 5. Daily Bag and Possession Limits on Certain Migratory Game Birds

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

Ducks. Ten in the aggregate of all kinds including in such limit not more than 1 wood duck, or more than 3 singly or in the aggregate of redheads and buffleheads; and any person at any one time may possess not more than 20 ducks in the aggregate of all kinds but not more than 1 wood duck, nor more than 6 of either or both of redheads or buffleheads.

Geese and brant (except snow geese in Idaho and snow geese and brant in States bordering on the Atlantic Ocean, and Ross' goose). Three in the aggregate of all kinds including blue geese and, in addition, three blue geese, but any person at any one time may possess not more than 6 in the aggregate of all kinds, including blue geese, and 6 additional blue geese, or if no other kinds are included 12 blue geese may be possessed.

In Siskiyou County, California, Alexander County, Illinois, and Hyde County, North Carolina, no person may take more than 3 geese in the aggregate of all kinds during any 7 consecutive days.

Rails and gallinules (except sora and coot). Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

Sora. Fifteen, and any person at any one time may possess not more than 15.

Coot. Twenty-five, and any person at any one time may possess not more than 25

Woodcock. Four, and any person at any one time may possess not more than 8.

Mourning or turtle dove and whitewinged dove. Twelve in the aggregate of both kinds, and any person at any one time may possess not more than 12 in the aggregate of both kinds.

Band-tailed pigeon. Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

Regulation 6, "Shipment, Transportation and Possession of Certain Migratory Game Birds", is amended to read as follows:

Regulation 6. Shipment, Transportation and Possession of Certain Migratory Game Birds

Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in or out of Alaska, subject to regulations under the Alaska Game Law (43 Stat. 739), as amended, Puerto Rico, or the State where taken, during the respective open seasons in Alaska, Puerto Rico, or in that State. Such birds when legally taken in and exported from Canada or Mexico, and if from Mexico when they are accompanied by a Mexican export permit, may be transported into the United States during the open seasons where killed.

Not more than the number of such birds permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks (except wood ducks), geese (1 day in the case of geese taken in Siskiyou County, California, Alexander County, Illinois, and Hyde County, North Carolina), brant, and woodcock, Shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken or from Canada or Mexico into the United States.

No such birds, or parts thereof, shall be transported from any State, Alaska, Puerto Rico of the District of Columbia to or through another State, Alaska, Puerto Rico or the District of Columbia, or to or through Canada or Mexico, contrary to the laws of the place in which they were taken or from, to or through which they were transported; nor shall any such birds be imported into the United States from Canada or Mexico contrary to the laws of the place in which they were taken or from, to or through which they were taken or from, to or through which they were transported.

Any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Alaska, Puerto Rico or District during the period constituting the open season where taken, and for an additional period of 20 days next succeeding said open season. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof.

Migratory game birds imported from countries other than Canada and Mexico. Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign country (other than Canada and Mexico. for which provision is hereinbefore made) may be transported to any State, Alaska or Puerto Rico during the open season prescribed by said regulation 4 for such State. Alaska or Puerto Rico on that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Alaska or Puerto Rico for an additional period of 20 days immediately succeeding such open season, by any one person in 1 calendar week in numbers not exceeding those permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks (except wood ducks), geese, brants, and woodcocks, if transportation and possession of such birds are not prohibited by such State, Alaska, Puerto Rico or District and if transported in packages marked as hereinbefore provided in this regulation.

In testimony whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this ninth day of August, 1941.

> HAROLD L. ICKES, Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this
16th day of August, in the
[SEAL] year of our Lord nineteen
hundred and forty-one, and
of the Independence of the United States
of America the one hundred and sixtysixth.

FRANKLIN D ROOSEVELT

By the President: CORDELL HULL, Secretary of State.

[No. 2501]

[F. R. Doc. 41-6205; Filed, August 20, 1941; 10:28 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment No. 128, Civil Air Regulations]
PART 51—GROUND INSTRUCTOR RATING

GROUND INSTRUCTOR RATING EXAMINATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 19th day of August 1941. Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective August 19, 1941, section 51.27 of the Civil Air Regulations is amended to read as follows:

§ 51.27 Reexamination. An applicant for a ground instructor rating who has failed to pass any prescribed examination or test therefor shall not apply for reexamination for the same rating until the expiration of 30 days from the date of such failure.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,

Secretary.

[F. R. Doc. 41-6204; Filed, August 20, 1941; 9:49 a. m.]

TITLE 16-COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3289]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STANDARD CONTAINER
MANUFACTURERS' ASSOCIATION, INC.,
ET AL.

§ 3.24 (a) 1.7) Coercing and intimidating - Competitors - By threatening disciplinary action or otherwise: § 3.27 (d) Combining or conspiring-To enhance, maintain or unify prices. Among other things, as in order set forth, entering into or carrying out any understanding, agreement, etc., on the part of respondent corporations, partners, and individuals, engaged in manufacture, sale and distribution, or sale and distribution, of wooden fruit and vegetable containers in southeastern portion of United States, and more particularly in Georgia and Florida, and on the part of their officers, etc., with intent or effect of restricting, etc., competition in sale in interstate commerce of such containers, and, as a part of such understanding, etc., (1) agreeing to fix and maintain, or fixing and maintaining, (a) uniform or minimum prices, or (b) uniform terms and conditions of sale, such as maximum discounts, brokerage fees, freight and other allowances, and time limitations in contracts; (2) agreeing to curtail, or curtailing, production of such containers or parts, or to check, or checking, production of other parties to agreement re agreed curtailment; (3) threatening, etc., members of industry to induce their becoming parties, or to maintain prices fixed by agreement, or to curtail production in furtherance thereof; (4) filing with their association, its officers, etc.,

report as to member compliance re prices or production; and (5) reporting or conferring with respondent Adkins or any officer, etc., of respondent association re prices for sale of products, or production curtailment, or non-conformance to agreement by industry members as to aforesaid matters; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec. 45i) IModified cease and desist order, Standard Container Manufacturers' Association, Inc., et al., Docket 3289, August 11, 1941]

§ 3.7 Aiding, assisting and abetting unfair or unlawful act or practice: § 3.27 (d) Combining or conspiring-To enhance, maintain or unify prices. Among other things, as in order set forth, aiding, abetting, encouraging or cooperating with respondent corporations, partners and individuals, engaged in manufacture, sale and distribution, or sale and distribution, of wooden fruit and vegetable containers in southeastern portion of United States, and more particularly in Georgia and Florida, in doing any of the acts and things prohibited by instant order, and on the part of respondent association and its officers, etc., including respondents Adkins, Chazal and Bennett, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec. 45i) [Modified cease and desist order, Standard Container Manufacturers' Association, Inc., et al. Docket 3289, August 11, 1941]

§ 3.24 (a) 1.7) Coercing and intimidating-Competitors-By threatening disciplinary action or otherwise: §3.27 (d) Combining or conspiring-To enhance, maintain or unify prices. Among other things, as in order set forth, threatening, coercing, or in any wise intimidating members of the wooden fruit and vegetable container industry in an attempt to induce such members to become parties to understanding, agreement, combination or conspiracy (as hereinbefore set forth and indicated), or to maintain prices, terms and conditions of sale, or curtail production in furtherance of any such understanding, etc., and on the part of respondent Adkins (former president of association of members of such industry), prohibited. (Sec. 5, 38 Stat. 719. as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec. 45i) [Modified cease and desist order. Standard Container Manufacturers' Association, Inc., et al., Docket-3289, August 11, 1941]

In the Matter of Standard Container Manufacturers' Association, Inc., a Corporation, and Its Members; James B. Adkins, Charles P. Chazal, Russell W. Bennett, Individually, and as President, Vice-President, and Secretary, Treasurer and Manager, Respectively, and as Members of the Board of Directors of Standard Container Manufacturers' Association, Inc.; Adkins Manufacturing Company, a Corporation; Consumers Lumber and Veneer Company, a Corporation; Elberta Crate & Box Co., a Corporation; Georgia Ve-

neer & Package Co., a Corporation; R. C. Balfour, Jr., and J. V. Hawthorne, Trading as Georgia Crate & Basket Co.; The Greenville Veneer & Crate Company, a Corporation; Keysville Lumber Company, a Corporation; Walton E. Nants and R. A. Nants. Trading as Nants Manufacturing Company; Nocatee-Manatee Crate Company, a Corporation; Ocala Manufacturing, Ice & Packing Co., Inc., a Corporation; The Pierpont Manufacturing Company, a Corporation; Roux Crate & Lumber Company, Inc., a Corporation; Shollar Crate and Box Company, Inc., a Corporation; Southern Crate & Veneer Co., a Corporation; Southern Veneer Company, a Corporation; L. B. Walling, Hugh Walling, and Frieda Walling, Trading as Walling Crate Company; Frank R. Pounds Crate Company, a Corporation; Lake Crate and Lumber Co., a Corporation; Osceola Crate Mills, Inc., a Corporation; Zachary Veneer Company, a Corporation; Montbrook Crate Co., a Corporation; Southern Container Company, a Corporation; Cummer Sons Cypress Company, a Corporation; Hector Supply Co., a Corporation; Zack Russ, an Individual, Trading as Russ Crate Company; Stephen O. Shinholzer, an Individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of August, A. D. 1941.

This matter coming on for further hearing before the Federal Trade Commission and it appearing that on March 5, 1940 the Commission made its findings as to the facts herein, and concluded therefrom that the respondents had violated the Federal Trade Commission Act, and on March 5, 1940 issued and subsequently served its order to cease and desist; and it further appearing that on May 20, 1941 the United States Circuit Court of Appeals for the Fifth Circuit rendered its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars, and directed the Commission to modify its said order to cease and desist in accordance with said decree;

Now, therefore, pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said Court decree:

It is ordered, That the respondents Adkins Manufacturing Company, Consumers Lumber and Veneer Company, Elberta Crate & Box Company, Hector Supply Company, Georgia Veneer & Package Company, R. C. Balfour, Jr., and J. V. Hawthorne, doing business as the Georgia Crate & Basket Company, The Greenville Veneer & Crate Company, Keysville Lumber Company, Walton E. Nants and R. A. Nants, trading and doing

- 1. Agreeing to fix and maintain, or fixing and maintaining, uniform or minimum prices.
- 2. Agreeing to fix and maintain, or fixing and maintaining, uniform terms and conditions of sale, such as maximum discounts, brokerage fees, freight and other allowances and time limitations in contracts.
- 3. Agreeing to curtail, or curtailing production of such containers or the parts thereof or agreeing to check, or checking, the production of the mills of other parties to such an agreement to determine if such other mills have curtailed production as agreed upon.
- 4. Threatening, coercing or in any wise intimidating members of the industry in an effort to induce such members to become parties to said understanding, agreement, combination or conspiracy, or to induce such members to maintain the prices fixed by, or to curtail production in furtherance of, said understanding, agreement, combination or conspiracy.
- 5. Filing with the respondent association, Standard Container Manufacturers' Association, Inc., its officers, agents or employees, any report as to the manner and form in which any member of the industry is carrying out any agreement or understanding with reference to prices or production.
- 6. Reporting to or conferring with respondent James B. Adkins, or any officer, agent or employee of said respondent

association, as to the prices at which said products are to be sold or as to the curtailing of the production of any of such products, or as to the failure of any member of the industry to carry cut any agreement or understanding on the part of such member of the industry to maintain prices, terms and conditions of sale or to curtail production.

It is further ordered, That the respondent Standard Container Manufacturers' Association, Inc., its officers, agents and employees, and the respondents James B. Adkins, Charles P. Chazal, and Russell W. Bennett, forthwith cease and desist aiding, abetting or encouraging, or cooperating with, the respondents hereinabove named in doing any of the acts and things prohibited by this order;

It is further ordered, That the respondent James B. Adkins cease and desist threatening, coercing, or in any wise, intimidating members of the industry in an attempt to induce such members to become a party to such an understanding, agreement, combination or conspiracy, or to maintain prices, terms and conditions of sale or to curtail production in furtherance of any such understanding, agreement, combination or conspiracy.

It is further ordered, That the respondents shall, within thirty (30) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-6225; Filed, August 20, 1941; 11:31 a. m.]

[Docket No. 3807]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ILLINOIS NUT PRODUCTS

§ 3.99 (b) Using or selling lottery devices-In merchandising. In connection with offer, etc., in commerce, of candy or any other merchandise, (1) selling, etc., candy or any other merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with push or pull cards, pull tabs, punchboards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, pull tabs, punchboards or lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the public; and (3) selling, etc., candy or any other merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec.

business as Nants Manufacturing Company, Nocatee-Manatee Crate Company, Ocala Manufacturing, Ice & Packing Company, Inc., the Pierpont Manufacturing Company, Roux Crate & Lumber Company, Inc., Shollar Crate and Box Company, Inc., Southern Crate & Veneer Company, Southern Veneer Company, L. B. Walling, Hugh Walling and Frieda Walling, doing business as Walling Crate Company, Frank R. Pounds Crate Company, Lake Crate and Lumber Company, Zachary Veneer Company, Osceola Crate Mills, Inc., Montbrook Crate Company, Southern Container Company, Cummer Sons Cypress Company, Zach Russ, trading as Russ Crate Company, and Stephen O. Shinholzer, their officers, agents, representatives and employees, cease and desist from entering into, or carrying out, any understanding, agreement, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and any other member or members of the industry, for the purpose or with the effect of restricting, restraining or monopolizing, or eliminating competition in, the sale in interstate commerce of wooden containers used in packaging fruits and vegetables, variously described and referred to as crates. baskets, boxes, hampers, lugs, cups and trays, and the parts thereof, and as a part of such understanding, agreement, combination and conspiracy from doing any of the following acts or things:

<sup>15</sup> F.R. 1061.

45b) [Cease and desist order, Illinois Nut Products Company, Docket 3807, August 13, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of August, A. D. 1941.

This proceeding having been heard' by the Federal Trade Commission upon the complaint of the Commission, the testimony and other evidence taken before duly appointed trial examiners of the Commission designated by it to serve in this proceeding, the report of the trial examiners thereon, brief filed by the attorney for the Commission, and the Commission having made its findings as to the facts and its conclusion that the respondent Illinois Nut Products Company, a corporation, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Illinois Nut Products Company, its officers, directors, representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of candy or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed or assembled that sales of such candy or other merchandise to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to, or placing in the hands of others, push or pull cards, pull tabs, punchboards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, pull tabs, punch boards or lottery devices are to be used, or may be used, in selling or distributing said candy or other merchandise to the public;

(3) Selling or otherwise disposing of candy or any other merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-6221; Filed, August 20, 1941; 11:29 a. m.]

[Docket No. 3943]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF AJAX TIRE & RUBBER CORPORATION

§ 3.6 (c) Advertising falsely or misleadingly—Composition of goods: § 3.6

§ 3.6 (r) 2.5) Advertising falsely or misleadingly - Prices - Exaggerated as regular and customary: § 3.6 (r) 4.2) Advertising falsely or misleadingly-Prices-List as regular selling: § 3.55 Furnishing means and instrumentalities of misrepresentation or deception. In connection with offer, etc., in commerce, of respondent's automobile tires and tubes, and among other things, as in order set forth, (1) representing, directly or indirectly, that any specified amounts are the retail selling prices of its automobile tires and tubes when such amounts are not, in fact, the bona fide actual selling prices of such tires and tubes as established by the usual and customary retail sales in the normal course of business; and (2) furnishing price lists and advertising material to its dealers, in which certain amounts are designated as the retail prices of respendent's automobile tires and tubes, unless such amounts are the bona fide regular established retail selling prices of such tires and tubes, as established by the usual and customary retail sales of dealers in the normal course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ajax Tire & Rubber Corporation, Docket 3943, August 12, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1941.

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between Levien, Singer and Neuburger, counsel for the respondent, and W. T. Kelley, Chief Counsel for the Commission, which provides among other things that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein its findings as to the facts and conclusion based thereon and an order disposing of this proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondent

has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Ajax Tire & Rubber Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its automobile tires and tubes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, by means of words, brands, markings, numbers or insignia placed on its automobile tires or on the tire wrappings, or in any other manner, that the tires offered for sale or sold by respondent contain more plies in their construction than is actually the fact;

2. Representing, directly or indirectly, that any specified amounts are the retail selling prices of its automobile tires and tubes when such amounts are not, in fact, the bona fide actual selling prices of such tires and tubes as established by the usual and customary retail sales in the normal course of business;

3. Furnishing price lists and advertising material to its dealers, in which certain amounts are designated as the retail prices of its automobile tires and tubes, unless such amounts are the bona fide regular established retail selling prices of such tires and tubes, as established by the usual and customary retail sales of dealers in the normal course of business.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-6222; Filed, August 20, 1941; 11:29 a. m.]

[Docket No. 4247]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JACKS CHEMICAL COM-PANY, ETC.

§ 3.6 (t) Advertising falsely or misleadingly-Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly - Results. Disseminating, etc., in connection with offer, etc., of the medicinal preparation called "Jacks" or "Jacque", or any other substantially similar medicinal preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which adveritsements represent, directly or through inference, that said preparation or product constitutes a cure or remedy for gall, kidney, and bladder stones, diabetes, rheumatism, swollen

<sup>(</sup>m10) Advertising falsely or misleadingly-Manufacture or preparation: § 3.66 (a7) Misbranding or mislabeling-Composition: § 3.66 (c20) Misbranding or mislabeling-Manufacture. In connection with offer, etc., in commerce, of respondent's automobile tires and tubes, and among other things, as in order set forth, representing, directly or indirectly, by means of words, brands, markings, numbers, or insignia placed on its automobile tires or on the tire wrappings, or in any other manner, that the tires offered for sale or sold by respondent contain more plies in their construction than is actually the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ajax Tire & Rubber Corporation, Docket 3943, August 12, 1941]

<sup>14</sup> F.R. 2894.

<sup>15</sup> F.R. 334.

limbs, hives, excess acid and excess uric acid, or that it possesses any therapeutic value in the treatment of such aliments and conditions, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Jacks Chemical Company, etc., Docket 4247, August 12, 1941]

In the Matter of Lamber Agin, Individually, and Trading as Jacks Chemical Company, and as Jacque Chemical Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer the respondent admits all of the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered. That respondent, Lambert Agin, individually and trading as Jacks Chemical Company and as Jacque Chemical Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the medicinal preparation called "Jacks" or "Jacque," or of any other medicinal preparation or preparations containing similar ingredients or possessing substantially similar properties, whether sold or distributed under the same name, or under any other name, do forthwith cease and desist from directly or indirectly:

- (1) Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation or product constitutes a cure or remedy for gall, kidney, and bladder stones, diabetes, rheumatism, swollen limbs, hives, excess acid and excess uric acid, or that said preparation possesses any therapeutic value in the treatment of such ailments and conditions:
- (2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That the respondent shall, within sixty (60) days after

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-6223; Filed, August 20, 1941; 11:31 a. m.]

[Docket No. 4503]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ROCKFORD FURNITURE FACTORIES, INC.

§ 3.6 (a) 30) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Stock: § 3.6 (cc) 4) Advertising falsely or misleadingly-Source or origin-Place: § 3.96 (a) 9) Using misleading name-Goods-Source or origin-Place: § 3.96 (b) 8) Using misleading name-Vendor-Stock. In connection with offer, etc., in commerce, of furniture, and among other things, as in order set forth, (1) using the word "Rockford", or any simulation thereof, in respondent's corporate name, or in any way to designate or refer to its business or its display rooms, when the furniture offered for sale and sold by respondent is not in substantial proportion manufactured in the City of Rockford, Illinois; and (2) using the word "Rockford", or any simulation thereof, on its letterheads, posters, advertising materials, or in any manner to represent, import, or imply that furniture not manufactured in the City of Rockford, Illinois, was manufactured in that city; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Rockford Furniture Factories, Inc., Docket 4503, August 12, 1941]

§ 3.6 (a) 22) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Producer status of dealer or seller-Manufacturer: §3.96 (b) 5) Using misleading name—Vendor—Producer or laboratory status of dealer or seller. In connection with offer, etc., in commerce, of furniture, and among other things, as in order set forth, using the word "Factories", or any other word or term of similar import or meaning, in respondent's corporate name, or to designate or refer to its business or in any manner represent, import, or imply that respondent is the manufacturer of furniture offered for sale or sold by it, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Rockford Furniture Factories, Inc., Docket 4503, August 12, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

- It is ordered, That the respondent Rockford Furniture Factories, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of furniture in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:
- (1) Using the word "Rockford." or any simulation thereof, in its corporate name, or in any way to designate or refer to its business or its display rooms, when the furniture offered for sale and sold by respondent is not in substantial proportion manufactured in the City of Rockford, Illinois;
- (2) Using the word "Rockford," or any simulation thereof, on its letterheads, posters, advertising materials, or in any manner to represent, import, or imply that furniture not manufactured in the City of Rockford, Illinois, was manufactured in that city.
- (3) Using the word "Factories," or any other word or term of similar import or meaning, in its corporate name, or to designate or refer to its business or in any manner represent, import, or imply that respondent is the manufacturer of furniture offered for sale or sold by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-6224; Filed, August 20, 1941; 11:31 a. m.]

### TITLE 24—HOUSING CREDIT

### CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 371]

PART 403—PROPERTY MANAGEMENT DIVISION

LEASING AND RENTING OF PROPERTIES OWNED BY THE CORPORATION; APPROVED FORMS TO BE USED; WHEN RENTAL AGREEMENT TO BE OBTAINED; UNPAID MISCELLANEOUS BAL-ANCES

Section 403.11-33 is amended to read as follows:

§ 403.11-33 Approved forms to be used; waivers. All written leases, rental contracts and such other instruments as are necessary in the leasing and renting of properties shall be on duly authorized

service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

<sup>16</sup> F.R. 2297.

<sup>14</sup> F.R. 3579.

Corporation forms. The Regional Manager may, however, with the advice of the Regional Counsel, authorize the use of other forms in particular cases where he determines that it will be to the best interest of the Corporation.

The Regional Manager, with the advice of the Regional Counsel, may waive the use of written agreements for month-to-month tenancies in any jurisdiction where such written agreements are not customary and are not necessary for the legal protection of the Corporation. Written rental agreements will be required for all other tenancies.

Unless waived by the Regional Manager pursuant to the next preceding paragraph, the Corporation requires that a written rental agreement be obtained from the occupant of property under the jurisdiction of the Property Management Division if the Corporation desires to enter into the relationship of landlord and tenant with such occupant and has the legal right to do so. Once a rental agreement has been entered into between the Corporation and such tenant, no new rental agreement shall be required, unless there is a subsequent change in the rental agreement, such as a change in the rental rate or in the expiration date of the rental agreement. Unless the Regional or State Counsel otherwise directs, no new rental agreement is required solely for the purpose of evidencing the amortization of rental delinquencies. Where a new agreement is required under the ruling of the Regional or State Counsel, the rental rate shall not be increased by reason of such amortization and any payments to be made on account of rental delinquencies shall be shown separately in such new rental agreement.

Section 403.11-37° is amended to read as follows:

§ 403.11-37 Remittances. After the 15th day of each month and not later than the 17th day thereof, the Contract Management Broker shall remit direct to the Regional Treasurer all unexpended income derived from properties referred to him by the Corporation for management. In case the broker, prior to the 15th day of the month, has collected all rentals due during the month, he may make his remittance and submit his monthly operating report prior to that date. The broker may make remittances prior to the submission of his monthly operating report in which event he shall show on said report, when forwarded to the Regional Treasurer and to the Property Management Division, the amounts and dates of previous remittances and the amount of the remittance accompanying such report. If the income received by the broker during the monthly accounting period from any particular property is insufficient to pay the charges regularly incurred by him with reference to that property during that period, such charges may be paid by the broker from any income received by him from any

The remittance shall be accompanied by the original of a Monthly Operating Report by Contract Management Broker on an approved form supplied by the Corporation. Such report shall be prepared by the broker in triplicate as of the close of business not later than the fifteenth of each month. The Regional Treasurer will detach the remittance and acknowledge on the original copy of the Contract Management Broker's report the amount of the broker's remittance and date of receipt of such funds by the Regional Treasurer, and will deliver the original report to the Regional Accountant for verification as to mathematical correctness of the computations with respect to receipts, deductions and remittances, and for use as posting media to the books of the Corporation. The Accounting Division will promptly advise the Property Management Division on Form PM 416-C of all errors in mathematical accuracy on the broker's report.

Section 403.11-38 2 is amended to read as follows:

§ 403.11-38 Duplicate copies. At the same time that the original Monthly Operating Report of Contract Management Broker is mailed to the Regional Treasurer, the broker shall send to the Property Management Division of the State Office, or of the Regional Office if the State Office has been closed, a duplicate copy of the report accompanied by receipted bills for all disbursements reported by the broker and by original and duplicate copies of new written leases or rental agreements.

The first paragraph of § 403.11-41 is amended to read as follows:

§ 403.11-41 Certification in lieu of receipted bill. If the Contract Management Broker has made any disbursements for which he has not obtained the receipted bill of the contractor or vendor in time for transmittal with his Monthly Operating Report, he shall transmit in lieu thereof his signed certification, preferably on the bill or letterhead of the broker, to the effect that such disbursement has been made and that the customary receipt was not obtained, but will be obtained and submitted within thirty days. Such certification shall be forwarded with the copy of the broker's Monthly Operating Report to the Property Management Division. In every such case the receipted bill of the contractor or vendor shall be obtained by the Contract Management Broker as soon as possible and shall be forwarded by him to the Property Management Division not later than thirty days from the date of the disbursement. The receipted bill or any certification accepted in lieu thereof, shall be filed by the Records and Files Section.

Section 403.11-45 is amended to read as follows:

§ 403.11-45 Execution of rental agreement; unpaid miscellaneous balances. When advice is received that a property has become owned by the Corporation and there is an occupant in the property at that time, the broker shall consider the desirability of retaining or qualifying such occupant as a tenant. If the occupant had executed a rental agreement with the Corporation prior to acquisition no new rental agreement will be required unless there is a change in the terms of such agreement. If such occupant had not previously entered into a rental agreement with the Corporation he shall be required to execute such an agreement. Written rental agreements shall, however, not be required of monthto-month tenants if waived by the Regional Manager. Rental arrangements shall be made only with occupants whose credit standing is satisfactory. If upon receipt of notice of acquisition of title the property is occupied by an interim tenant owing arrears which have accrued prior to "legal title vested date", efforts shall be made to obtain payment of such delinquencies in cash at that time or no later than the fifteenth of the month following the calendar month in which such notice is received. If upon receipt of such notice there are arrears which have accrued subsequent to "legal title vested date", such arrears shall likewise be paid in cash, and if such cash liquidation is not feasible, then arrangements shall be made with such occupant for the amortization of such delinquencies over a reasonable period. Such amortization arrangement shall preserve to the Corporation the right to recover from the tenant the full unpaid balance of such delinquency in the event of the tenant's subsequent default. In the event arrears accruing prior to or subsequent to "legal title vested date" are not paid in cash, or satisfactory arrangements are not made for their liquidation as provided above, or the occupant is not acceptable as a tenant, prompt steps shall be taken to obtain possession of the property at the earliest possible date. A property shall be deemed to be Not Owned until notice of acquisition is received from the Legal Department. The "legal title vested date" shall be the date of acquisition of absolute title as reported by the Legal Department in its notice irrespective of the date of such notice. (Effective date September 15, 1941.)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k).)

[SEAL]

J. Francis Moore, Secretary.

[F. R. Doc. 41-6166; Filed, August 19, 1941; 12:23 p. m.]

Corporation property under his management or by voucher under the regular procedure provided therefor.

<sup>84</sup> F.R. 8579.

<sup>94</sup> F.R. 3580.

No. 163-2

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket Nos. A-356; A-625, Part II; A-663, Part II; A-755, Part II; A-793, Part II; A-853, Part II; and A-877, Part II]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER OF THE DIRECTOR GRANTING PERMA-NENT RELIEF IN THE MATTER OF THE PETI-TIONS OF DISTRICT BOARD NO. 1 FOR REVISION OF SIZE GROUPS AND PRICES FOR TRUCK COAL IN SUBDISTRICT NO. 1 OF DISTRICT NO. 1; OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRELIMINARY AND PERMANENT PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 3067, 3076, AND 3077, IN SUBDISTRICT NO. 1, NOT HERETOFORE CLASSIFIED AND PRICED, FOR SHIPMENT BY TRUCK TO ALL MARKET AREAS; OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DIS-TRICT NO. 1, NOT HERETOFORE CLASSIFIED AND PRICED; OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICA-TIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1, NOT HERETOFORE CLASSIFIED AND PRICED; OF DISTRICT BOARD NO. 1 FOR THE ESTABLISH-MENT OF MINIMUM PRICES FOR TRUCK SHIPMENTS FOR THE COALS OF THE EBERLIN MINES, MINE INDEX NO. 3121, OF A. H. SWYERS AND A. B. WILSON: OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1; AND OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF MINI-MUM PRICES FOR TRUCK SHIPMENTS OF COALS OF THE MORGAN MINE, MINE INDEX NO 739, OF RAY MORGAN, WEISER MINE, MINE INDEX NO. 2221, OF THE A. W. WEISER ESTATE, AND OF THE KERLE MINE, MINE INDEX NO. 779, OF THE ZACHERL COAL COMPANY

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board No. 1, in Docket No. A-356, requesting that the number of size groups for coals produced for shipment by truck in Subdistrict 1, of District 1, be reduced from eleven to five and that the minimum prices for all truck shipments in said subdistrict be established at the same minimum prices now established for coal for rail shipments in Market Area 6;

The petitions in Dockets Nos. A-625, Part II, A-663, Part II, A-755, Part II, A-793, Part II, A-853, Part II, and A-877, Part II, having been consolidated with Docket No. A-356;

Orders having been issued by the Director on February 15 (6 F.R. 1040), March 6 (6 F.R. 1346), April 11 (6 F. R. 1945), May 15 and 17 (6 F.R. 2462 and

2510), and June 21 and 23 (6 F.R. 3070 and 3089), 1941, granting temporary relief herein;

A hearing on this matter having been held on June 25, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and District Boards 1 and 2 and the Office of the Bituminous Coal Consumers' Counsel having appeared;

All parties having waived the preparation and filing of a report by the Examiner and the record thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law and having rendered his Opinion which are filed herewith:

Now, therefore, it is ordered, That § 321.24 (General prices) in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments be amended to conform the size groups for the Subdistrict 1 coals to those effective for the coals of other subdistricts, and to establish, for the code members and mines therein specified, the minimum prices set forth in the "Supplement T", annexed hereto and made a part hereof.

It is further ordered, That in all other respects the prayer for relief contained in the several petitions filed herein be and they hereby are denied.

Dated: August 8, 1941.

[SEAL]

H. A. GRAY, Director.

### PERMANENT SUPPLEMENT

Note: The material contained in this Permanent Supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

### TRUCK SHIPMENTS

### § 321.24 General prices—Supplement T

Prices in cents per net ton for shipment into all market areas!

| Code member index   | Mine index No.   | Mine  | Sub. dist. No.                          | County  | Seam             | All lump coal double screened top size 2" and over  | Double screened top size 2" and under   | ω Run of mine modi-<br>fied R/M   | * 2" and under slack   | o %" and under slack   |
|---|--|---|---|---|------------------|---|---|---|--|--|
| Agnew Bres. (Robert Agnew, Jr.).<br>Amsler, C. H. & C. W. (C. H.<br>Amsler).  | 1005<br>3138   | Agnew Brothers  | 1                                       | Clarion   | A /              | 240<br>240  | 215<br>215  | 215<br>215  | 205<br>205   |  |
| B. & M. Coal Co. (John Berger)<br>Beckman, R. A.<br>Beichner, George.<br>Beichner, William L.<br>Beveridge, J. M.<br>Brockway, Glade.   | 1062<br>1067<br>2689<br>276  | B & M Coal Co<br>Beckman #5.<br>Beichner<br>Beichner<br>Liberty #2<br>Ferraro<br>Brothers.  | 1 1 1 1 1 1 1 1                         | Clarion Clarion Clarion Clarion Clarion Clarion Clarion Clarion Clarion   | B<br>A<br>A<br>B | 245<br>245<br>240<br>245<br>245<br>245<br>245<br>245  | 220<br>220<br>215<br>220<br>220<br>220<br>220<br>220  | 220<br>220<br>215<br>220<br>220<br>220<br>220<br>220  | 210<br>210<br>205<br>210<br>210<br>210<br>210  |  |
| Burdick Brothers Coal Co. (Sherman E. Burdick). C. & N. Coal Company (B. W.   | 2297<br>3055   | Proper  | 1                                       | Forest  |                  | 240   | 215   | 215   | 205  | 195  |
| Niederriter). Carrier and Son. Carroll Ceal Company, E. J. Carroll-Gatesman Coal Company  | 197<br>294<br>83   | C. & N  | 1 1 1                                   | Clarion<br>Clarion<br>Clarion   | .E               | 240<br>245<br>240<br>240  | 215<br>220<br>215<br>215  | 215<br>220<br>215<br>215  | 205<br>210<br>205<br>205   | 195<br>200<br>195<br>195   |
| (E. J. Carroll).<br>Chambers, Roy A. (Roy A.<br>Chambers Coal Co.).   | 1582   | Clarence #2   | 1                                       | Clarion   |                  | 240   | 215   | 1   | 205  | 195  |
| Clarion Coal Mining Co. Claypoole, Richard Davis, John G. Detrick, John. Dolby & Hooks (Jess Dolby) Eisenman, Henry A. Elba Coal Company, Inc. Elder Brothers (Ralph Elder) Elder & Shingledecker (J. C.  | 1294   | Doesmith Claypoole Davis Lone Hooks Eisenman Eibe Eider McKee   | 1 1 1 1 1 1 1 1 1                       | Clarion Clarion Clarion Clarion Clarion Clarion Clarion Jefferson Clarion Clarion Clarion Clarion   | A'<br>B<br>B     | 245<br>240<br>240<br>245<br>245<br>245<br>245<br>245<br>245   | 220<br>215<br>215<br>220<br>215<br>220<br>220<br>220<br>220<br>220  | 220<br>215<br>215<br>220<br>215<br>220<br>220<br>220<br>220<br>220  | 210<br>205<br>205<br>210<br>205<br>210<br>210<br>210<br>210<br>210                     | 200<br>195<br>195<br>200<br>195<br>200<br>200<br>200<br>200  |
| Evans, R. D. Everhart, Earl. Fasenmyer & Ditz (Jos. M. Ditz). Fasenmyer & Ditz (Jos. M. Ditz). Francisco, Geo. M. Francisco, Geo. M. Francisco, W. H. Fryburg Motor Company. Fryburg Motor Company. Fryburg Motor Company. Fryburg Motor Company. Goodman, Merle. Grasso, A. D. (Grasso Coal Min- | 1342<br>1347<br>1348<br>1389<br>2317<br>2482<br>1712<br>1398<br>2898<br>3009 | Eshbaugh Etzel & Wood Liberty #4 J. F. McClain Fasenmyer Niederater Francisco Francisco #2 Reed Mahle Weaver Weaver Weaver Hercules | 1 | Jefferson Clarion | В                | 245<br>240<br>245<br>240<br>240<br>240<br>240<br>240<br>245<br>240<br>240<br>245<br>240<br>240<br>245<br>240<br>240<br>245<br>240<br>240<br>245 | 220<br>215<br>220<br>215<br>215<br>215<br>215<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>215<br>220<br>215<br>220<br>215<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>220<br>220<br>220<br>220<br>220<br>220<br>220<br>220<br>22 | 220<br>215<br>220<br>215<br>215<br>215<br>215<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>215<br>220<br>220<br>220<br>220<br>220<br>220<br>220<br>220<br>220<br>22 | 210<br>205<br>210<br>205<br>205<br>205<br>205<br>205<br>205<br>205<br>205<br>205<br>20 | 200<br>195<br>200<br>195<br>195<br>195<br>195<br>195<br>195<br>195<br>195<br>200<br>195<br>195<br>200<br>200 |
| ing Co.).<br>Griebel Brothers<br>Griebel Coal Co  | 1448   | Mottmiller's  | 1                                       | Clarion   | A'               | 240<br>240  | -   | 215   |  | 195<br>195   |

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No petitions of intervention having nting of temporary relief in the manin filed with this Division in the abovehereinafter set forth; and

titled matter; and t appearing that this action is neces-y in order to effectuate the purposes the Act:

aporary relief is granted as follows: mmencing forthwith, § 328.11 (Alpha-ical list of code members) is amended adding thereto Supplement R, and 28.34 (General prices for high volatile us in cents per net ton for shipment o all market areas) is amended by t is ordered, That, pending final disition of the above-entitled matter, ling thereto Supplement T, which

oplements are hereinafter set forth thereby made a part hereof. The Hicks Mine of producer G. P. Hicks ed in the original petition was not luded in the attached rail supplement,

designated as Supplement R, for the reason that the Division has no record of the filing of a code membership by the said producer.

It is further ordered. That pleadings in opposition to the original petition in

the above-entitled matter, and applica-(45) days from the date of this Order, tions to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five pursuant to Rules and Regulations Gov-

Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d)

erning Practice and Procedure before the | (60) days from the date of this Order, unless the Director shall otherwise order, Dated: August 12, 1941.

H. A. GRAY,

[SEAL]

of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

# NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and Supplements thereto. FOR ALL SHIPMENTS EXCEPT IRUCK

### § 328.11 Alphabetical list of code members-Supplement R.

Alphabetical list of code members having railway loading facilities, showing price

| 1                                       | 1  | 1                                       | 77           | -  | 1 |
|---|--|---|--------------|--|---|
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| Smill out of South                      |  | Freight                                 | group<br>No. | ######################################   |   |
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|   |  | Sub-                                    | EN S         |  | 1 |
|   |  | Mine name                               |              | Addis Wood-Ash No. 1 Wood-Ash No. 2 Baker Baker No. 1 Duff Co-Operative Coal Company: No. 6 Blam Peacock For Ridge F |   |
|   |  | Code member                             |              | Addis, E. M.  Ash, F. G. (Wood-Ash Coal Co.)  Baker, J. W.  Bue Gen Coal Company  Breeding, Arthur  Catts Creek Coal Co., Inc. (W. Brues  Lasacs).  Dyer, Fred R. (Red Oak Coal Company).  Elan, Silas.  Estill I. Coal Corporation.  Estill I. Company, Incorporated  Fork Ridge Coal Maning Company  Gry, J. G. A. J.  Holly, R. W. A. J. H. Addington  Hall & Stumbo (Wayne Stumbo).  Hawiey Coal Co., Dr. (James P. Manes.).  Stoore Hastles Coal Co. (Dr. G. Sublett).  Masson Robert L.  Stoore Branch Domestic Coal Co. (W. T.  Tappin, H. & I. H.   |   |
|   |  | Mine                                    | No.          | 25 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2   |   |

"Previously classified in these size groups.

[Docket No. A-954]

PART 328-MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION LISHMENT OF PRICE CLASSIFICATIONS AND ORDER GRANTING TEMPORARY RELIEF AND OF DISTRICT BOARD NO. 8 FOR THE ESTAB-MINIMUM PRICES FOR CERTAIN COALS PRO-DUCED IN DISTRICT NO. 8

of 1937, having been duly filed with this Division by the above-named party, re-An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

questing the establishment, both tempotions and minimum prices for coals rary and permanent, of price classificaproduced by certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the aboveentitled matter; and

sary in order to effectuate the purposes It appearing that this action is necesof the Act;

It is ordered. That, pending final dis-§ 328.34 (General prices for high volatile position of the above-entitled matter. temporary relief is granted as follows: betical list of code members) is amended by adding thereto Supplement R, and plements are hereinafter set forth and Commencing forthwith, § 328.11 (Alphacoals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which suphereby made a part hereof.

It is further ordered. That pleadings

filed with the Division within forty-five Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) temporary relief herein granted may be (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the tions to stay, terminate, or modify the of the Bituminous Coal Act of 1937.

herein granted shall become final sixty (60) days from the date of this Order, It is further ordered, That the relief unless the Director shall otherwise order.

Dated: August 11, 1941. [SEAL]

H. A. GRAY,

the above-entitled matter, and applica-

in opposition to the original petition in

# TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

Nore: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328. Minimum Price Schedule for District No. 8 and Supplements thereto. FOR ALL SHIPMENTS EXCEPT TRUCK

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|   | Sub-                                    | No.   | 9       | 9   | H00000100110000  |
|   | Mine name                               | affect array  | Јапежау | Chas. Branch  | Low Ash Davis Davis Davis Duncen Fir No. 4 Fir No. 1 Fir No. 4 Fir No. 1 Fir   |
|   | Code member                             |   | 10000   | Cuel, J. M. & John Kirby & Son (J. M.   Chas. Branch. | 4888BENCHADDD  |
|   | Mine                                    | No.   | 1499    | 4034  | まながら<br>1842年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1843年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844年<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>1844<br>184 |

### TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

|   | PERSON.     |                      | RESIDE      | Base sizes        |                               |            |                  |  |                   |                     |                      |
|---|-------------|----------------------|-------------|-------------------|-------------------------------|------------|------------------|--|-------------------|---------------------|----------------------|
| Code member index   | Mine        | Mine<br>index<br>No. | Seam        | Lump over 2", egg | Lump 2" and under egg 3" x 6" | 1          | Egg 2" x 4", egg | Stove 3" and under<br>nut 2" and under | Straight mine run | 2" and under, slack | 34" and under, slack |
|   | 377.34      |                      |             | 1                 | 2                             | 3          | 4                | 5                                      | 6                 | 7                   | 8                    |
| SUB-DISTRICT No. 1—BIG SANDY-                                     |             |                      |             |                   |                               |            |                  |  |                   |                     |                      |
| LETCHER COUNTY, KY.   | Apex        | 775                  | Elkhorn     | 275               | 255                           | 220        | 220              | 205                                    | 210               | 160                 | 155                  |
| PIKE COUNTY, EY. Dalton, A. J                                     | Low Ash     | 753                  | Elkhorn #3  | 275               | 255                           | 220        | 230              | 215                                    | 210               | 170                 | 165                  |
| SUB-DISTRICT NO. 6—SOUTHERN<br>APPALACHIAN                        |             |                      |             |                   |                               |            | -                |  |                   |                     |                      |
| JACKSON COUNTY, RY. Sand Gap Coal Co., Inc                        | Pence       | 776                  | Sand Gap    | 265               | 245                           | 220        | 220              | 205                                    | 210               | 155                 | 150                  |
| butunk, mermay  | Barren Fork | 777                  | No. 3       | 255               | 235                           | 215        | 210              | 200                                    | 205               | 155                 | 150                  |
| WHITLEY COUNTY, RY.  Davis Jellico Coal Co. (J. W. Davis)  Davis. |             | 754                  | Jellico     | 255               | 235                           | 225        | 225              | 205                                    | 215               | 155                 | 150                  |
| SUB-DISTRICT NO. 8-WILLIAMSON WAYNE COUNTY, W. VA.                |             | 1                    | 27 24 6     |                   | 1                             | The second |                  |  |                   | 1                   |                      |
| Fry, J. C. & A. J   | Fry No. 4   | 774                  | No. 5 Block | 241               | 225                           | 205        | 210              | 185                                    | 195               | 145                 | 140                  |

[F. R. Doc. 41-6140; Filed, August 19, 1941; 9:57 a. m.]

[Docket No. A-727]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

FINDINGS OF FACT, CONCLUSIONS OF LAW,
MEMORANDUM OPINION AND ORDER OF THE
DIRECTOR IN THE MATTER OF THE PETITION
OF DISTRICT BOARD 10 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES
ESTABLISHED FOR CERTAIN TRUCK MINES
IN DISTRICT NO. 10

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on March 5, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 10. The petition requests that the classification and minimum prices established for certain truck mines within that district be revised. Pursuant to Orders of the Director, a hearing in this matter was held on May 20, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, in Washington, D. C.¹ All interested persons were af-

forded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The original petitioner appeared. At the conclusion of the hearing the preparation and filing of a report by the Examiner was waived, and the record was thereupon submitted to the Director, who has considered the record in this matter.

The petition of District Board No. 10 herein requests the revision of the effective minimum prices established for three truck mines located within that district. It appears that at the time of the promulgation of effective minimum prices the following errors were made in respect to the classification of these three mines:

The Coal City Coal Mine (Mine Index No. 669), operated by the Coal City Coal Company, was designated as being

<sup>1</sup>The Order of the Director, entered on March 13, 1941, fixed the time of hearing for April 2, 1941. The Order of April 16, 1941, entered upon a motion made by District Board No. 10 to postpone the hearing, changed the date of hearing to May 20, 1941.

in Section No. 4, Fulton County, Seam 5. It should properly be designated as being in Section No. 1, Grundy County, Seam 2.

2. The Shady Beach Mine (Mine Index No. 519), operated by Harry Dial, was designated as being in Section No. 2, Bureau County, Seam 5. It should properly be designated as being in Section No. 3, Henry County, Seam 1.

3. The Stevenson Mine (Mine Index No. 1272), operated by the Stevenson Brothers (Clarence L. Stevenson), was designated as being in Section No. 4, Fulton County, Seam 5. It should properly be designated as being in Section No. 4, Fulture County, Seam 1.

Because of these improper classifications the prices established for these mines are improperly coordinated and are destructive of the fair competitive opportunities of these mines as these existed prior to October 1, 1940. The supplement attached hereto embodies the changes proposed by the District Board and which are found proper for the purpose of correcting the situation.

Upon the basis of the uncontroverted evidence of record, I conclude and find that:

The minimum prices shown in the supplement attached hereto for the coals specified therein, based on the changed classifications, are proper, reflect the relative market value of these coals, conform in all respects with the effective minimum prices heretofore established for comparable coals, and preserve fair competitive opportunities as they existed prior to October 1, 1940.

For the foregoing reasons and based upon the Findings of Fact set forth above, I conclude:

1. That § 330.25 (General prices in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments should be amended in accordance with the supplement annexed hereto, and made a part hereof.

2. That such amendment of the District 10 price schedule is required in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered. That, commencing fifteen (15) days from the date of this order, § 330.25 (General prices in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments be, and the same hereby is, amended in accordance with the supplement hereto attached and made a part hereof.

Dated: August 7, 1941.

[SEAL]

H. A. GRAY, Director.

## FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330 Schedule for District No. 10 and Supplements thereto. The Minimum Price NOTE:

### FOR TRUCK SHIPMENTS

§ 330.25 General prices in cents per net ton for shipment into all market

|  | -    |                    |          | יייי זיין טיייבייוני נוניט שיני וונימו אכן שונים |         | of and | al Call | 200         | 1       | 4 1161 | at ne | ים מי           | ons   |                            |      |       |      |    |       |    |       |      |     |       |         |
|--|------|--------------------|----------|--|---------|--------|---------|-------------|---------|--------|-------|-----------------|-------|----------------------------|------|-------|------|----|-------|----|-------|------|-----|-------|---------|
| Code member Index                          | Mine | Mine               | Coom     |  |         |        | 1 13    |             |         |        |       | Price           | ban s | Prices and size group Nos. | tron | Nos.  | 1 3  | 13 |       | 15 | 1     |      |     |       | 1       |
|  | No.  |                    | The same | -  | 60      | *      | 113     | 9           | 14      | 80     | 10    | =               | 120   | 13                         | 14   | 15 16 | 11 8 | 18 | 19 20 | 21 | 22 23 | 3 24 | 123 | 25.27 | 1 88 28 |
| SECTION NO. 1                              |      |                    |          |  | -       |        |         |             |         | -      | -     |                 |       |                            |      | -     |      |    |       |    | -     |      |     |       | 1       |
| GRUNDY COUNTY                              |      |                    | 100      |  |         |        |         |             |         | -      |       |                 |       |                            |      |       |      |    |       |    |       |      |     |       |         |
| Coal City Coal Co. Secreton No. 3          | 699  | 609 Coal City Coal | 2        | 325  | 320 315 | 305    | 300     | 285         | 240 285 | 5 205  |       | 200 200         | 200   | 170 160                    |      | 105   | -    |    | -     |    | -     |      | 1   | -     | -       |
| Dial, Harry Section No. 4                  |      | 519 Shady Beach    | -        | 255  | 250 245 | 28     | 330     | 255         | 185 165 | 2 160  | 155   | 155 155 155     | 155   | 125 115                    |      | 8     |      |    |       | i  | -     |      | 1   |       | 1       |
| PULTON COUNTY                              |      |                    |          |  |         |        |         |             |         |        |       |                 |       |                            |      | -     |      |    |       |    | -     | 1    |     |       |         |
| Stevenson Brothers (Clarence L. Stevenson) |      | 1272 Stevenson     | -        | 280 275 270 250                                  | 5 270   | 280    | 255     | 250 185 165 | 59      |        | 135   | 160 155 155 155 | 155   | 125 115                    | _    | 8     |      |    |       |    |       |      |     |       |         |

F. R. Doc. 41-6139; Filed, August 19, 1941; 9:57 a. m.]

PART 330-MINIMUM PRICE SCHEDULE, [Docket No. A-600] DISTRICT No. 10

filed in this proceeding.

MEMORANDUM OPINION AND ORDER OF THE PAGE 46 OF THE SCHEDULE OF EFFECTIVE FINDINGS OF FACT, CONCLUSIONS OF LAW, VISION OF RAILROAD LOCOMOTIVE FUEL PRICE EXCEPTION NO. 5, APPEARING ON MINIMUM PRICES FOR DISTRICT NO. 10 DIRECTOR IN THE MATTER OF THE PETI-TION OF DISTRICT BOARD NO. 10 FOR RE-FOR ALL SHIPMENTS EXCEPT TRUCK

No. 5, which appears on page 46 of the schedule of Effective Minimum Prices an original petulon med of Board No. 10 on January 17, 1941, with This is a proceeding instituted upon the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests road Locomotive Fuel Price Exception lege of substitution of other sizes in Size Alton Railroad, for railroad locomotive temporary and final orders revising Rallfor District No. 10 for All Shipments Except Truck, so as to provide for the privi-Groups 1-8, inclusive, on orders for 6" x 11/4" egg coal for shipment to the

peared. The preparation and filing of a report by the Examiner were waived and the matter was thereupon submitted to the Director. No petitions of intervention have been ference concerning temporary relief was On January 30, 1941, an informal con-

held at Washington, D. C., at which representations were made that, without the relief requested, the Northern Illinois Coal Corporation, a code member in District 10, was being deprived of the privileges of substituting sizes on railroad

Witnesses for the petitioner testified ception No. 5 of the minimum price rail 8" x 3", 8" x 2", 8" x 1½", "; and that, therefore, this that Railroad Locomotive Fuel Price Ex-(3) in the Schedule) applied only to the Wilmington No. 10 Mine of the Northern 189; that pursuant to that Exception, the only coals it may ship to the Alton Railthe Wilmington No. 10 Mine is no longer ing it at the time the Schedule went into effect; that it has changed its screens to schedule for District No. 10 (§ 330.10 (a) Illinois Coal Corporation, Mine Index No. road are in the 6" x 11/4" egg size; that preparing that size and was not preparproducer could no longer supply the Alton Railroad, except by changing its screens throughout the tipple every time it loaded coals for railroad fuel use by To change the screens every time fuel for this railroad was prepared, the witness stated, would result in the preparation of numerous sizes, for permit preparation of commercial sizes, either 8" x 3", that railroad. or 8" x 11/4

Temporary relief was granted by Order

locomotive fuel orders already enjoyed by its fellow code members of District No. 10. Consumers' Counsel Division

10. Consumers' Counsel Division objected to granting the relief requested. of the Director dated March 6, 1941, Pursuant to an Order of the Director;

for the reasons therein set forth.

sons, a final hearing in this matter was

Washington, D. C., at

the Division, at

which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Only represent-

and after due notice to all interested perheld on May 16, 1941, before a duly designated Examiner, in a hearing room of

which, in turn, could be disposed of only by crushing and sale as screenings.

Railroad Locomotive Fuel Price Instruction D (§ 330.10 (a) (1) in District tution of any size in Size Groups 1-8, at the option of the code member, on orders of nut (3" x 15"), modified mine mine run, or resultant mine run It appears that while other mines in District No. 10 were given a mine run Mine No. 10, Mine Index No. 189, was for shipments to the Alton Railroad for 6" x No. 10's rail schedule) permits the substix 0") for railroad locomotive fuel petitive price accorded the Wilmington substitution privilege accorded to all 10, apparently mine at the prevailing prices, the 6" x price for such shipments, the only comthrough inadvertence did not permit substitution on order for the only size the Alton Railroad would accept from this coal on railroad locomotive fuel orders ship the 8" top size egg a competitive price, 11/4" egg coals (\$2.15 per net ton). 11/4" egg size. Since it may not mines in District No. mine run at mine cannot run,

testified that any relief herein extended Witnesses for the petitioner further from the Alton Railroad

which there would be no market, and

petitioner ap-

atives of the original

\*6 FR. 1345.

should also be made applicable to any other mines in District No. 10 subject to this price exception; that the granting of the relief prayed for will not inflict any undue hardship on any other producer in District No. 10; and that the prayer for permission to substitute other sizes for orders of the 6" x 11/4" size, at the \$2.15 per ton price, is in accord with the price relationships originally established between the Wilmington No. 10 Mine, Mine Index No. 189, and other mines in Illinois.

Upon the basis of the uncontroverted evidence, I find and conclude: (1) that the relief sought herein is reasonable and necessary to enable the coals of the Wilmington No. 10 Mine, Mine Index No. 189, to compete upon a fair competitive basis with coals of other producers in District No. 10; (2) that a satisfactory showing has been made that other producers in District No. 10 will not be unduly injured by the granting of the requested relief; (3) that the relief prayed for by the petitioner is necessary to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof; and (4) that, therefore, the temporary relief granted by the Order of the Director dated March 6, 1941, should be made permanent.

Now, therefore, it is ordered, That, commencing forthwith, § 330.10 (Special prices—(a) Railroad locomotive fuel prices—(3) Exceptions) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck should be amended by modifying Railroad Locomotive Fuel Price Exception No. 5 to read as follows:

5. The price on 6" x 1½" Egg coal, from mines taking this exception, for locomotive use on the Alton R. R. is \$2.15: Provided, That sizes in Size Groups 1-8, inclusive, may be applied at the option of the code member on orders for railroad locomotive fuel specifying 6" x 1½" Egg coal.

Dated: August 19, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6217; Filed, August 20, 1941; 10:32 a. m.]

[Docket No. A-484]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER OF THE DIRECTOR GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF AN ADDITIONAL PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE COALS OF DISTRICT NO. 15 SOLD FOR RAIL-ROAD LOCOMOTIVE FUEL USE

An original petition in the above-entitled matter having been duly filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by District Board 15,

requesting establishment of a minimum price of \$1.70 per ton for the coals of the mines in Production Groups Nos. 10 and 11 of District No. 15 sold for railroad locomotive fuel use:

A public hearing on said petition having been held before Charles O. Fowler, the duly designated Trial Examiner, at a Hearing Room of the Division in the Federal Building, Kansas City, Missouri, on February 4, 1941;

No petitions of intervention having been filed with the Division within the time allotted therefor;

All parties at the hearing having joined in waiving the preparation and filing of a report by the Trial Examiner, and the record in the matter having thereupon been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having rendered an opinion, which are filed herewith;

It is ordered, That final relief be, and the same hereby is, granted as follows: Commencing forthwith, and supplementing the Railroad Locomotive Fuel Schedule in § 335.8 (Special prices—(b) Railroad locomotive fuel) in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck, all 1½" x 0 coals of mines in Production Groups Nos. 10 and 11 of District No. 15 produced for railroad locomotive fuel use shall be subject to a minimum price of \$1.70 per ton.

Dated: August 19, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6216; Filed, August 20, 1941; 10:32 a. m.]

[Docket No. A-677]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF THE MINES OF CODE MEMBERS IN PRODUCTION GROUP NO. 4 IN DISTRICT NO. 15 FOR ALL SHIPMENTS EXCEPT TRUCK TO MARKET AREA NO. 78

An original petition having been filed with the Bituminous Coal Division by District Board 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck be revised and amended by increasing the price of coal in the Domestic, Commercial and Industrial Coal Schedule in Size Groups 1, 2, 3, and 4, 8 cents per ton and in Size Group 9, 13 cents per ton for shipment into Market Area 78;

Pursuant to an Order of the Director, a public hearing having been held in this matter before a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof, in Washington, D. C., at which all interested parties

were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered. That § 335.7 (General prices; domestic, commercial and industrial coal schedule) in the Schedule of Effective Minimum Prices for District 15 for All Shipments Except Truck be and it hereby is amended as follows: Commencing fifteen (15) days from the date hereof the following prices shall apply for coals in Size Groups 1, 2, 3, 4 and 9 in Production Group 4, Part I of the Domestic, Commercial and Industrial Coal Schedule for shipment only to destinations in Market Area 78:

### Domestic and Commercial

| Production   | 1             | 2    | 3                 | 4          | 9     |
|--------------|---------------|------|-------------------|------------|-------|
| group<br>No. | Fancy<br>lump | Lump | Furnace<br>or egg | Egg<br>nut | M/R   |
| 4            | 2. 72         | 2.72 | 2.72              | 2.72       | 2, 72 |

Dated: August 19, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6215; Filed, August 20, 1941; 10:31 a. m.]

[Docket No. A-160]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 23 FOR THE ESTABLISHMENT OF A SIZE GROUP NO. 27 AND FOR CLASSIFICATION AND MINIMUM PRICES FOR COALS OF THAT SIZE GROUP

A proceeding having been instituted upon an original petition filed with the Bituminous Coal Division by District Board 23, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that a new Size Group No. 27, "rejects," be added to the size groups for District 23;

The petition further requesting that the price of 105 cents f. o. b. the mine for coals in the proposed Size Group No. 27, for the manufacture of artificial gas, be granted to James Bolde (Carbon Fuel Company) Mine Index No. 2, Subdistrict G, for rail and truck shipments to Tacoma, Everett, Aberdeen, Chehalis, Washington, and to all other market areas; and that the price of 250 cents per ton f. o. b. the mine for the coals in the proposed Size Group No. 27, for the manufacture of artificial gas, be

granted to William Strain (Strain Coal Company) Mine Index No. 22, Subdistrict F, for shipment by truck to Tacoma. Washington, Market Area 248;

An appearance and answer having been filed by the Consumers' Counsel Division:

An Order of the Director dated November 25, 1940,1 having granted temporary relief by fixing the minimum prices requested for the two producers for shipment of "reject coal" to the towns specified in the petition, but no new size group having been established;

Pursuant to a further Order of the Director dated December 23, 1940, and after notice to all interested persons, a hearing having been held in this matter on January 21, 1941, before Thurlow G. Lewis, a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Seattle. Washington:

All interested parties at this time having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard:

Appearances having been entered by District Board 23, Consumers' Counsel Division, and the Washington Gas and Electric Company;

All the parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the Director for determination:

The Director having made Findings of Fact and Conclusions of Law and rendered an Opinion in this matter which are filed herewith:

It is ordered. That § 343.1 (Price instructions and exceptions) in the Schedule of Effective Minimum Prices for District 23 for All Shipments be and it hereby is amended by the addition of the following Price Instructions and Exceptions:

(o) Reject coal, that is, bony coal, rock with coal attached, and all rejects from the preparation plant, which shall contain more than 35% ash, produced at the Bayne No. 3 Mine (Mine Index No. 2) of James Bolde (Carbon Fuel Company), Subdistrict G, shall have a minimum f. o. b. mine price of 105 cents per net ton for rail and truck shipment to all market areas

(p) Reject coal, that is, outcrop coal and refuse from the preparation plant, which shall contain not less than 28% ash, produced at the New Castle Mine (Mine Index No. 22) of William Strain (Strain Coal Company), Subdistrict F, shall have a minimum f. o. b. mine price of 250 cents per net ton for truck shipment to all market areas.

It is further ordered, That the prayer of the petition in all other respects be and the same hereby is denied.

Dated: August 19, 1941.

H. A. GRAY. Director.

[F. R. Doc. 41-6214; Filed, August 20, 1941; 10:31 a. m.]

15 F.R. 4707.

TITLE 32-NATIONAL DEFENSE

CHAPTER VI-SELECTIVE SERVICE SYSTEM

[Amendment No. 84]

SELECTIVE SERVICE REGULATIONS

AMENDING THE REGULATIONS TO PROVIDE FOR THE POSTING OF A LIST OF NAMES AND CLASSIFICATIONS OF PERSONS WHO HAVE BEEN CLASSIFIED

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XVII, paragraph 317,1 by adding a new subparagraph, known as subparagraph g, as follows:

g. Posting of Form 44. The local board shall provide for the posting in a conspicuous place at the local board office of a list setting forth the names and classifications of persons who have been classified by such local board (Form 44).

> LEWIS B. HERSHEY. Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6170; Filed, August 19, 1941; 3:41 p. m.]

[Amendment No. 851

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT CORRECTING THE TITLES OF THE FOUR CLASSES

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, ef-fective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XVIII, by striking out paragraph 327 thereof and substituting therefor the following:

327. Four classes. Sections XXI to XXV prescribe the conditions which govern the determination of the class in which the registrant is to be placed. Every registrant belongs in one of four main classes:

Class 1. Available for service. Also those deferred because of having attained 28th birthday on July 1st without having been inducted.

Class II. Deferred because of occupational status.

Class III. Deferred because of dependents.

Class IV. Deferred specifically by law or because unfit for military service. Also those conscientious objectors avail-

15 F.R. 3926.

able for civilian work of national importance.

LEWIS B. HERSHEY. Director.

AUGUST 16, 1941.

|F. R. Doc. 41-6171; Filed, August 19, 1941; 3:41 p. m.]

[Amendment No. 861

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO ESTABLISH SUBCLASSES FOR THOSE DEFERRED FOR AGE, AND TO CLARIFY THE LIST OF ALL SUBCLASSES

By virtue of the Selective Service Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XVIII, by striking out paragraph 328 thereof and substituting the following:

Subclasses. The four classes are further divided into the subclasses shown below

### Class I

Class I-A: Available; fit for general military service, (par. 342). (Class I-A-O: Conscientious objector;

(Class I-A-O: Conscientious objector; available for noncombatant service only; fit for gengral service), (par. 364).

Class I-B: Available; fit only for limited military service, (par. 343).

(Class I-B-O: Conscientious objector; available for noncombatant service only; fit only for limited service), (par. 364).

Class I-C: Member of land or naval forces or Coast Guard of United States, (par. 344).

Class I-H: Man who has reached 28th birthday on July 1st without having been index day on July 1st without having been inducted, (par. 345).

### Class II

Class II-A: Man necessary in his civilian activity, (par. 352a).

Class II-B: Man necessary to national defense, (par. 352b)

### Class III

Class IV-A: Man with dependents, (par. 354).

### Class IV

Class IV-A: Man who has completed service,

(par. 357). Class IV-B: Official deferred by law, (par.

Class IV-C: Nondeclarant alien, (par. 359). Class IV-D: Minister of religion or divinity

student, (par. 360).

Class IV-E: Conscientious objector; available only for civilian work of national importance; fit for general service, (pars.

361, 365).

(Class IV-E-LS: Conscientious objector; available only for civilian work of national importance; fit only for limited service), (pars. 361, 365).

(Class IV-E-H: Conscientious objector

formerly classified in Class IV-E or Class IV-E-LS, who has reached 28th birthday on July 1st without being assigned to work of national importance), (pars. 361,

Class IV-F: Physically, mentally or morally unfit, (par. 362)

LEWIS B. HERSHEY,

Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6172; Filed, August 19, 1941; 3:42 p. m.]

<sup>15</sup> F.R. 3927.

[Amendment No. 87]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO CLARIFY THE SUCCESSION IN WHICH CLASSES ARE CONSIDERED

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XVIII, by striking out subparagraph a of paragraph 329 and substituting the following:

a. After receiving the registrant's questionnaire, the local board shall determine in which class the registrant should be placed. Each registrant may have only one classification at a time. The determination of that classification shall be in accordance with the sequence established by paragraphs 330 and 331. The local board shall follow that sequence and shall classify the registrant in the first class in that sequence for which grounds are established. The local board may use its authority to summon the registrant and other witnesses before ft, using interpreters, if necessary, to secure the information needed for its determination (see par. 325).

LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6173; Filed, August 19, 1941; 3:42 p. m.]

[Amendment No. 88]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO PROVIDE FOR THE CLASSI-FICATION OF THOSE DEFERRED FOR AGE, AND TO CLARIFY THE SEQUENCE IN WHICH CLASSES ARE CONSIDERED

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XVIII, by striking out subparagraph a of paragraph 330 1 and substituting the following:

- a. (1) The local board shall first determine whether the registrant belongs in Class I-C.
- (2) If the registrant is not classified in Class I-C, the local board shall next determine whether, before physical examination, he belongs in Class IV-F.
- (3) If the registrant is not classified in Class IV-F before physical examination, the local board shall next determine, in succession, whether he belongs in Class IV-D, Class IV-C, Class IV-B, or Class IV-A.
- (4) If the registrant is not classified in Class IV-D, Class IV-C, Class IV-B, or

Class IV-A, the local board shall next determine whether he belongs in Class III-A.

(5) If the registrant is not classified in Class III-A, the local board shall next determine, in succession, whether he belongs in Class II-B or Class II-A.

(6) If the registrant is not classified in Class II-B or Class II-A, the local board shall next determine whether he belongs in Class I-H.

(7) If the local board classifies the registrant in Class I-C, Class IV-F before physical examination, Class IV-D, Class IV-C, Class IV-B, Class IV-A, Class III-A, Class II-B, Class II-A, or Class II-H, it is not necessary that he be physically examined, and the local board shall then take the steps prescribed in Paragraph 332. If the local board does not classify the registrant in Class I-C, Class IV-F before physical examination, Class IV-D, Class IV-C, Class IV-B, Class IV-A, Class III-A, Class II-B, Class II-A, or Class I-H, the local board shall then have the registrant physically examined in the manner prescribed in Section XX.

LEWIS B. HERSHEY,

Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6174; Filed, August 19, 1941; 3:43 p. m.]

[Amendment No. 89]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO CLARIFY THE PROCEDURE AND SEQUENCE OF EVENTS IN CLASSIFICA-TION AFTER PHYSICAL EXAMINATION

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XVIII, by striking out paragraph 331 and substituting therefor the following:

331. Classification after physical examination. a. (1) As pointed out in paragraph 330 if the registrant is not classified before physical examination in accordance with that paragraph, he is then physically examined. After that physical examination, the local board receives the findings of the examining physician; also the findings of the Medical Advisory Board in certain cases as provided in paragraph 339. The local board shall then make and record its findings as to the registrant's physical qualifications.

(2) If the local board's finding is that the registrant is disqualified for both general and limited military service, it shall then classify him in Class IV-F.

(3) If the local board's finding is that the registrant is qualified for general or limited military service, and he has not claimed to be a conscientious objector, the local board shall then classify him in Class I-A or Class I-B, respectively.

(4) If the local board's finding is that the registrant is qualified for general or limited military service, and he has claimed to be a conscientious objector, the local board shall then proceed to determine the question of conscientious objection in accordance with section XXV; after having determined that question, the local board shall classify the registrant in whichever of the following classes is in accordance with both its findings as to physical qualifications and its determination of the question of conscientious objection: Class I-A, Class I-A-O, Class I-B, Class I-B-O, Class IV-E, or Class IV-E-LS.

b. After having classified the registrant in accordance with any of the provisions of the preceding subparagraph a, the local board shall then take the steps specified in paragraph 332.

LEWIS B. HERSHEY,
Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6175; Filed, August 19, 1941; 3:43 p. m.]

[Amendment No. 90]

SELECTIVE SERVICE REGULATIONS

AMENDING THE REGULATIONS SO AS TO PRO-VIDE FOR RECORDING I-H CLASSIFICATION AND THE PUBLIC POSTING AND LISTING OF NAMES AND CLASSIFICATIONS OF REGIS-TRANTS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XVIII, paragraph 332, as follows:

- 1. By striking out the present subparagraph b and substituting therefor the following:
- b. Record its decision showing the classification in which the registrant is placed on the last page of the Questionnaire (Form 40) and on the Classification Record (Form 100). In entering the decision on the classification record (Form 100), if the registrant is placed in either of Classes I-A, I-B or I-C, an "X" should be marked opposite his name in the column under the heading "I" which indicates his subclass. (For example, to show that the registrant is placed in Class I-A, put an "X" opposite his name in the column headed "A" under the heading "I".) If the registrant is placed in Class I-H, an "H" should be marked opposite his name in the column headed "E" under the heading "I." If the registrant is placed in any other class, a letter showing the appropriate subclass in which he is placed shall be marked opposite the reg-

<sup>15</sup> F.R. 3927.

istrant's name in the column headed "II," "III," or "IV." (For example, to show that the registrant is placed in Class II-A, mark the capital letter "A" opposite his name in the column headed "II," or to show that the registrant is placed in Class IV-F, mark the capital letter "F" opposite his name in the column headed "IV."

2. By adding a new subparagraph known as subparagraph e as follows:

e. Enter on Form 44, which shall be posted in a conspicuous place at the local board office, the name and classification of the registrant; Provided, however, That in the event of a change in classification, the registrant's name being already entered on such Form 44, it shall be necessary only to strike out the former classification and enter the new classification.

> LEWIS B. HERSHEY. Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6176; Filed, August 19, 1941; 3:44 p. m.] -

[Amendment No. 91]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO AUTHORIZE THE VOLUN-TEERING OF THOSE WHO WOULD OTHER-WISE BE DEFERRED FOR AGE

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register. the Selective Service Regulations, Volume Three, section XIX, by striking out the present subparagraph a of paragraph 335 and substituting therefore the following:

a. The classification of a volunteer shall be made in exactly the same manner as the classification of any person who has duly registered under the provisions of the Selective Training and Service Act; except that during the time his application for voluntary induction is pending and within the scope of such application (with reference to volunteering for the land or naval forces or both), no volunteer shall be classified in Class I-H. In the case of a volunteer who is 21 years of age, who has not registered. and who volunteers at the local board having jurisdiction of the area in which he resides, such local board shall fill out a white registration card for such volunteer in the same manner as is prescribed in Section XIII of Volume Two and thereafter such volunteer shall be classified as if he were a registrant. In case of a volunteer who is under 21 years of age. who has not registered, and who volunteers at a local board other than the local board having jurisdiction of the area in which he resides, such local board

shall fill out a white registration card for such volunteer in the same manner as is prescribed in Section XIII of Volume Two, and shall send such registration card to the local board having jurisdiction of the area in which he resides: thereafter, such volunteer shall be classified as if he were a registrant of the local board having jurisdiction of the area in which he resides.

> LEWIS B. HERSHEY. Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6177; Filed, August 19, 1941; 3:45 p. m.]

[Amendment No. 921

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO CLARIFY THE REGULATION AS TO ORDER FOR PHYSICAL EXAMINATION

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XX, by striking out subparagraph a of paragraph 336 and substituting therefor the following:

a. If the local board in making its classifications before physical examination did not classify the registrant in Class I-C, Class IV (other than Class IV-E) Class III, Class II, or Class I-H, it shall, in time to allow it to fill its quota requirements, mail him a Notice to Appear for Physical Examination (Form 201). The notice shall fix a time and place for the registrant to report. The appointed time will normally be 5 days after the date of mailing the notice.

> LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6178; Filed, August 19, 1941; 3:45 p. m.]

[Amendment No. 93]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO REVISE THE SECTION HEADING AND INDEX FOR CLASS I IN ORDER TO CONFORM TO AMENDED SUBJECT MATTER

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXI, by striking out the heading and index of section XXI and substituting the follow-

### Section XXI

Class One: Available for service. Also those deferred because of having attained 28th birthday on July 1st without having been inducted.

Class I-A: Available; fit for general military service, (par. 342).
Class I-B: Available; fit only for limited military service, (par. 343).
Class I-C: Member of land or naval forces or Coast Guard of United States, (par. 344).

Class I-H: Man who has reached 28th birth-day on July 1st without having been in-ducted, (par 345).

LEWIS B. HERSHEY. Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6179; Filed, August 19, 1941; 3:46 p. m.]

[Amendment No. 941

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO ELIMINATE REFERENCE TO STUDENT DEFERMENT

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXI, by striking out paragraph 342 and substituting therefor the following:

342. Class I-A: Available; fit for general military service. In Class I-A shall be placed every registrant who after physical examination is found fit for general military service according to the standards prescribed in Volume Six, "Physical Standards." (As to Class I-A-O, see Paragraph 364).

> LEWIS B. HERSHEY, Director

[F. R. Doc. 41-6180; Filed, August 19, 1941; 3:47 p. m.]

[Amendment No. 95]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO ELIMINATE REFERENCE TO STUDENT DEFERMENT

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXI, by striking out paragraph 343 and substituting therefor the following:

343. Class I-B: Available; fit only for limited military service. In Class I-B shall be placed every registrant who after physical examination is found fit only for limited military service according to the standards prescribed in Volume Six, "Physical Standards". (As to Class I-B-O, see Paragraph 364.) Men in Classes I-B and I-B-O shall not be inducted until such time as they may be acceptable to, and called by, the land or naval forces for training and service.

> LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6181; Filed, August 19, 1941; 3:47 p. m.]

[Amendment No. 96]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO PROVIDE FOR THE DEFERMENT OF THOSE WHO HAVE ATTAINED AGE 28

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXI, by striking out the present paragraph 345 and substituting the following:

345. Class I-H: Man who has reached 28th birthday on July 1 without having been inducted, a. In Class I-H shall be placed each registrant not a volunteer who on July 1, 1941, or on the first day of July of any subsequent year has attained the twenty-eighth anniversary of the day of his birth and who upon classification is not classified in Class I-C, Class IV (other than Class IV-E), Class III, or Class II. (As to Class IV-E and IV-E-IS registrants deferred for age, see par. 365)

b. A registrant who attains the twentyeighth anniversary of the day of his birth after July 1st of one year and before July 1st of the next year shall in no event be entitled to or receive classification in Class I-H until the latter date. For example, if a registrant attains the twentyeighth anniversary of the day of his birth on January 10, 1942, and his case is considered by the local board on March 15, 1942, he may not at that time be placed in Class I-H; if he is classified then in Class I-A and is inducted before July 1, 1942, his induction results in classification in Class I-C and he is never classified in Class I-H; if, however, the March classification is in I-A, I-A-O, I-B, or I-B-O and he is not inducted before July 1, 1942, then on July 1, 1942, his case shall be reopened and his classification changed to I-H (or other deferment if grounds are then established).

c. A registrant who is in or entitled to be classified in Class I-H who volunteers for induction shall be classified in the same manner as a registrant not in or not entitled to be classified in Class I-H. Although on a preceding July 1st

he had attained the twenty-eighth anniversary of the day of his birth, nevertheless a registrant shall be entitled to volunteer for induction and may be inducted if otherwise qualified. His application for voluntary induction, while pending, and within the scope of such application (with reference to volunteering for the land or naval forces or both), shall have the effect of eliminating Class I—H from the consideration of his case.

LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6182; Filed, August 19, 1941; 3:47 p. m.]

[Amendment No. 97]

SELECTIVE SERVICE REGULATIONS

AMENDING THE REGULATIONS SO AS TO ELIMI-NATE OBSOLETE PROVISIONS RELATING TO STUDENT DEFERMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXI, in the following manner:

By deleting paragraphs 346, 347, 348, and 349.

LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6183; Filed, August 19, 1941; 3:48 p. m.]

[Amendment No. 98]

SELECTIVE SERVICE REGULATIONS

AMENDING THE REGULATIONS SO AS TO PRO-VIDE FOR THE CLASSIFICATION OF MEN WHO HAVE BEEN HONORABLY DISCHARGED FROM THE REGULAR ARMY OR COAST GUARD WITH-IN SIX MONTHS PRIOR TO THE COMPLETION OF THEIR THREE-YEAR PERIOD OF ENLIST-MENT

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXIV, paragraph 357, by striking out the present subparagraph a and substituting in lieu thereof the following:

a. Any person who shall have satisfactorily served as an officer or enlisted man for at least three consecutive years in the Regular Army, Navy, Marine Corps, or Coast Guard; or any enlisted man who

has been or is hereafter honorably discharged from the Regular Army or the Coast Guard for the convenience of the Government within six months prior to the completion of his regular three-year period of enlistment.

> LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6184; Filed, August 19, 1941; 3:48 p. m.]

[Amendment No. 99]

SELECTIVE SERVICE REGULATIONS

AMENDING THE REGULATIONS SO AS TO CLARIFY THE PROVISIONS FOR CLASS IV-F, PHYSICALLY, MENTALLY, OR MORALLY UNFIT

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, Volume Three, section XXIV, Selective Service Regulations, by striking out the present paragraph 362 and substituting therefor the following:

362. Class IV-F: Physically, Mentally, or Morally Unfit. a. In Class IV-F shall be placed any registrant who:

- Has been discharged from the Army, Navy, Marine Corps, or Coast Guard with a form of discharge certificate other than honorable.
- 2. Has been convicted of any of the following heinous crimes: treason, murder, rape, kidnapping, arson, sodomy, pandering, any crime involving sex perversion, or any crime involving illegal dealing in narcotics or other habit-forming drugs.
- 3. Has been convicted on two or more occasions of any offense (other than a conviction for an offense committed in violation of the Selective Training and Service Act of 1940 or the regulations prescribed or orders issued pursuant thereto) for which he could have been punished by death or confinement for a term exceeding one year in a penitentiary or prison.
- 4. Is a chronic offender with pronounced criminal tendencies.
- 5. Is being retained in the custody of any court of criminal jurisdiction or other civil authority. In the event such court or other civil authority releases such registrant from custody, upon final adjudication or otherwise, such registrant may be reclassified.
- b. Irrespective of the provisions of subparagraph a above, any registrant who is found to be morally unfit for military service shall be placed in Class IV-F.
- c. In Class IV-F shall be placed any registrant who is found, after physical

examination or in accordance with the provisions of subparagraph b of paragraph 330, to be physically or mentally unfit for military service.

LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6185; Filed, August 19, 1941; 3:48 p. m.]

[Amendment No. 100]

SELECTIVE SERVICE REGULATIONS

AMENDING THE REGULATIONS SO AS TO CLARIFY THE PROCEDURE RELATING TO CLAIMS OF CONSCIENTIOUS OBJECTORS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXV, by striking out paragraph 363 thereof and substituting the following:

363. Procedure on claims of conscientious objectors. A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on a special form (Form 47) which when filed shall become a part of his questionnaire. The local board, upon request, shall furnish any person claiming to be a conscientious objector a copy of such special form (Form 47). In the case of any registrant who claims to be a conscientious objector, the local board shall proceed in the ordinary course to classify him on all other grounds of deferment; if, as a result, the registrant is classified in Class IV (other than Class IV-E), Class III, Class II, or Class I-H, his claim of conscientious objection shall not be considered. If the registrant is not classified in any such deferred class, he shall then be physically examined. After physical examination, if the local board's findings as to physical qualification is that the registrant is disqualified for both general and limited military service, his claim of conscientious objection shall not be considered, and he shall be classified in Class IV-F. The registrant's claim of conscientious objection shall be considered and decided only when, after physical examination, the local board has found that he is qualified for either general or limited military service.

LEWIS B. HERSHEY,

Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6186; Filed, August 19, 1941; 3:49 a. m.]

[Amendment No. 101]

SELECTIVE SERVICE REGULATIONS

AMENDING THE REGULATIONS SO AS TO CLAR-IFY THE PROCEDURE RELATING TO CLASSI-FICATION OF CONSCIENTIOUS OBJECTORS OPPOSED TO COMBATANT SERVICE ONLY

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXV, by striking out paragraph 364 thereof and substituting the following:

364. Conscientious objectors opposed to combatant service only. a. After physical examination, if a registrant who claims to be a conscientious objector is found to be fit for general or limited service, and the local board further finds that by reason of his religious training and belief the registrant is conscientiously opposed to combatant service in which he might be ordered to take human life, but is not conscientiously opposed to noncombatant service in which he could contribute to the health, comfort, and preservation of others, he shall be available for noncombatant service only.

b. Whenever a registrant is thus determined to be available for noncombatant service only, the local board shall indicate this by placing an "O" after the letter indicating his subclass on the Classification Record (Form 100), the Delivery List (Form 151), all records, reports, orders, and other papers on which the registrant is mentioned by name. For example: Class I-A-O or Class I-B-O.

LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6187; Filed, August 19, 1941; 3:49 p. m.]

[Amendment No. 102]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO CLARIFY THE PROCEDURE RELATING TO THE CLASSIFICATION OF CON-SCIENTIOUS OBJECTORS OPPOSED TO COM-BATANT AND NONCOMBATANT SERVICE, AND TO ESTABLISH NEW DESIGNATIONS FOR THOSE FIT FOR LIMITED SERVICE ONLY, AND FOR THOSE DEFERRED BECAUSE OF AGE

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Vólume Three, section XXV, paragraph 365, by striking out subparagraphs a, b, and g, and substituting therefor the following:

a. After physical examination, if a registrant who claims to be a conscientious objector is found to be fit for general or limited service, and the local board further finds that by reason of his religious training and belief the registrant is conscientiously opposed to both combatant and noncombatant service, he shall be available for assignment to work of national importance under civilian direction.

b. In Class IV-E shall be placed each such registrant who is found to be fit for general service. In Class IV-E-LS shall be placed each such registrant who is found to be fit only for limited service. In Class IV-E-H shall be placed each such registrant who was formerly classifled in either Class IV-E or Class IV-E-LS, and who on July 1, 1941, or on the first day of July of any subsequent year has not been assigned to work of national importance and has attained the twenty-eighth anniversary of the day of his birth. Class IV-E-LS registrants will be assigned to work of national importance under civilian direction if and when Class I-B registrants are called by the land or naval forces for training and service. The designations "LS" or "H" shall be carried on the Classification Record (Form 100), the Conscientious Objector Report (Form 48), and other appropriate records and notices.

g. If a registrant assigned to work of national importance under civilian direction fails or neglects to abide by the rules and regulations prescribed or established by the Director of Selective Service, he shall be reported to the Director of Selective Service, through the Camp Operations Division of National Headquarters, and the Director of Selective Service may report such conduct of the registrant to the local board. Thereupon the local board may reopen the case of the registrant and consider his classification anew (see Section XXX), giving consideration to whether the reported conduct of the registrant indicates that he was erroneously placed in Class IV-E or Class IV-E-LS, as the case may. If the case is reopened and the local board decision is a classification in Class I-A or I-A-O (I-B or I-B-O as to Class IV-E-LS), the registrant shall be included in the first subsequent call upon his local board, and a copy of his Order to Report for Induction shall be sent to the Director of Selective Service, who shall make the necessary arrangements to deliver such registrant to the local board at the time and place directed in such order for induction, or to a local board in accordance with Paragraph 425, and such registrant shall thereafter be subject to induction in the same manner as any other registrant.

> LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6188; Filed, August 19, 1941; 3:49 p. m.]

[Amendment No. 103]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO PROHIBIT APPEALS ON BEHALF OF DEFERRED REGISTRANTS WHO ARE OVER AGE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXVII, paragraph 370, by striking out the present subparagraph a and substituting therefor the following:

a. A registrant, or any person who claims to be a dependent of a registrant, or any person who has filed written evidence of the occupational necessity of the registrant, may appeal from any local board classification or from any local board finding as to physical and mental qualification after physical examination made while appeal is pending (see paragraph 374 c); except that, in the case of a registrant who on July 1, 1941, or on the first day of July of any subsequent year has attained the 28th anniversary of the day of his birth, such persons may appeal from the classification of such registrant in either of Classes I-A, I-A-O, I-B, I-B-O, IV-E, or IV-E-LS, but such persons may not appeal from any other classification of such registrant.

> LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6189; Filed, August 19, 1941; 3:50 p. m.]

[Amendment No. 104] SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO PROVIDE FOR APPEAL CON-SIDERATION OF AGE DEFERMENT OF REG-ISTRANTS NOT PHYSICALLY EXAMINED

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXVII, by striking out subdivision (1) of subparagraph c of paragraph 374, and substituting therefor the following:

c. (1) If the board of appeal in considering the case of a registrant who has not been physically examined determines that such registrant should not be classified in Class IV (other than Class IV-E or Class IV-F as physically or mentally unfit), Class III, Class II, or Class I-H, and for that reason it cannot finally classify the registrant until he is physically examined, it shall return the file of the registrant to the local board with instructions to have the registrant physically examined.

LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6190; Filed, August 19, 1941; 3:50 p. m.]

[Amendment No. 105]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO PROVIDE FOR APPEAL CONSIDERATION OF AGE DEFERMENT OF CONSCIENTIOUS OBJECTORS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXVII, by striking out subparagraphs a and b of paragraph 375 and substituting therefor the following:

a. If an appeal involves the question of whether or not the registrant is entitled to be sustained in his claim that he is a conscientious objector, the board of appeal shall review the file as in paragraphs 373 and 374 provided, and shall determine whether the registrant should be classified in Class IV (other than Class IV-E), Class III, Class II, or Class I-H and, if it so determines, it shall place the registrant in such class.

b. When such registrant is not classified by the board of appeal in Class IV (other than Class IV-E or Class IV-F as physically or mentally unfit), Class III, Class II, or Class I-H, as provided in subparagraph a hereof, the board of appeal shall, unless the registrant has already been physically examined, direct that he be physically examined as provided in paragraph 374c. If as a result of the report of physical examination the registrant should be placed in Class IV-F. the board of appeal shall place him in that class. Otherwise, the entire record shall then be transmitted to the United States District Attorney for the judicial district in which the local board of the registrant is located for the purpose of securing an advisory recommendation of the Department of Justice. No registrant's file shall be forwarded to the United States District Attorney by the board of appeal, and any such file so forwarded shall be returned, unless in the "Minutes of Other Actions" on the Questionnaire (Form 40) the record shows and the letter of transmittal states that the board of appeal reviewed the file and determined that the registrant should not be classified in Class IV (other than Class IV-E), Class III, Class II, or Class I-H.

LEWIS B. HERSHEY,
Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6191; Filed, August 19, 1941; 3:50 p. m.]

[Amendment No. 106]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO CLARIFY THE SEQUENCE BY WHICH APPEAL CLASSIFICATIONS ARE DETERMINED

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXVII, by striking out the present subparagraph a of paragraph 376 and substituting therefor the following:

a. The board of appeal shall classify a registrant in accordance with the same sequence of classes established for local boards by paragraphs 330 and 331 and shall place the registrant in the first class in that sequence for which grounds are established.

LEWIS B. HERSHEY,
Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6192; Filed, August 19, 1941; 3:50 p. m.]

[Amendment No. 107]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO PROHIBIT APPEALS TO THE PRESIDENT ON BEHALF OF DEFERRED REG-ISTRANTS WHO ARE OVER AGE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXVII, paragraph 379, by striking out the present subparagraph b and substituting therefor the following:

b. The registrant, any person who claims to be a dependent of the registrant, or the Government appeal agent, may appeal on the grounds of dependency to the President from the decision

<sup>16</sup> F.R. 1657.

of a board of appeal (except that in the case of a registrant who on July 1, 1941, or on the first day of July of any subsequent year has attained the 28th anniversary of the day of his birth, such persons may appeal from a decision of a board of appeal classifying the registrant in either of Classes I-A, I-A-O, I-B, I-B-O, IV-E or IV-E-IS, but such persons may not appeal from any other classification of such registrant) at any time within 10 days after the mailing by the local board of the notice of classification or the notice of continuance of classification (as required by par. 377) provided. either

 one or more members of the board of appeal dissented from the determination of that board; or

(2) the government appeal agent certifies in writing that a great and unusual hardship will follow the induction of the registrant and that he therefore recommends that the registrant be deferred.

The local board may permit any person who is entitled to appeal under the provisions of this subparagraph to do so even though the 10-day period hereinbefore provided for appeal has elapsed if it is satisfied that the failure of such person to appeal within the 10-day period was due to the lack of understanding of the right to appeal or to some cause beyond the control of such person. Unless the local board permits such an appeal, the right of the persons designated in this subparagraph to appeal shall expire at the end of the 10-day period hereinbefore provided.

LEWIS B. HERSHEY, Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6193; Filed, August 19, 1941; 3:51 p. m.]

[Amendment No. 107]

SELECTIVE SERVICE REGULATIONS

AN AMENDMENT TO PROVIDE FOR JULY 1ST CHANGE OF CLASSIFICATION FOR AVAILABLE REGISTRANTS WHO HAVE ATTAINED TWENTY-EIGHTH BIRTHDAY

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, section XXX, paragraph 386, by striking out the present subparagraph a and substituting therefor the following:

a. The local board may reopen the case of a registrant on its own motion; except that, without evidence of change in registrant's status or of other new pertinent facts not contained in the record considered on appeal, no case shall

¹6 F.R. 2603.

be reopened in which the existing classification was determined on appeal. On July 1st of each year the local board shall reopen the case of each registrant then classified in Class I-A, Class I-A-O, Class I-B, Class I-B-O, and who has not been inducted and who in the past twelve months has attained the 28th anniversary of the day of his birth, and shall change the classification of such registrant to I-H (or other deferment if grounds are then established); the same process shall be followed with reference to changing registrants in Class IV-E or Class IV-E-LS to Class IV-E-H.

LEWIS B. HERSHEY,

Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6194; Filed, August 19, 1941; 3:51 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1335-CHEMICALS

PRICE SCHEDULE NO. 21-FORMALDEHYDE

Increasing demands for formaldehyde in the manufacture of synthetic resins for military and civilian needs have created a shortage of supply. Speculators have taken advantage of this situation to raise the resale price of appreciable quantities of formaldehyde to as high as 47¢ per pound, contrasted with the manufacturers' price of 6¢ per pound for comparable quantities. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation in order to protect consumers, to eliminate the danger of price rises in other industries that use formaldehyde, and to promote stable contractual relationships.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.51 Maximum prices for formaldehyde. On and after August 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, formaldehyde in containers of 45 lbs. or more, and no person shall buy, offer to buy, or accept delivery of, formaldehyde in containers of 45 lbs. or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.60.\*

\*\$\$ 1335.51 to 1335.60, inclusive, issued pursuant to authority contained in Executive Order No. 8734.

§ 1335.52 Less than maximum prices. Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.\*

§ 1335.53 Evasion. The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of formaldehyde, or in connection with a purchase, sale, delivery, or transfer of any other material, or by way of any commission, service, transportation, or other charge,

or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.\*

\$ 1335.54 Records. Every person making purchases or sales of formaldehyde in containers of 45 lbs. or more shall keep for inspection by the Office of Price Administration and Civilian Supply for a period of not less than one year complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the formaldehyde purchased or sold.\*

§ 1335.55 Affirmations of compliance. On or before September 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold formaldehyde in containers of 45 lbs. or more, whether for immediate or future delivery, shall submit to the Office of Price Administration and Civilian Supply, an affirmation of compliance on Form 121:11 containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 121:1 can be procured from the Office of Price Administration and Civilian Supply, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 101/2" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.

§ 1335.56 Enforcement. In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions contained in this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in this Schedule, the Office of Price Administration and Civilian Supply will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule. Persons who have evidence of the offer. receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of formaldehyde, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration and Civilian Supply.\*

§ 1335.57 Modification of the schedule. Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration and Civilian Supply for approval of any modification thereof or exception therefrom.\*

<sup>1</sup> Not filed as part of original document.

§ 1335.58 Definitions. When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;
(b) "Formaldehyde" means (1) U.S.P.

(b) "Formaldehyde" means (1) U.S.P. solution of formaldehyde (37% formaldehyde by weight) or (2) any other solution of formaldehyde except lots or quantities sold for commercial use as embalming fluids;

(c) "Producer's shipping point" means any of the following points: Garfield, N. J., Perth Amboy, N. J., West Haverstraw, N. Y., or Tallant, Oklahoma.\*

§ 1335.59 Effective date of the schedule. This Schedule shall become effective August 20, 1941.\*

§ 1335.60 Appendix A—(a) Maximum prices for formaldehyde shipped from producers' shipping points.

The maximum price which a purchaser may pay under this Schedule for formal-dehyde shipped to him from a producer's shipping point shall not exceed the maximum price set forth above plus freight to destination from New York, N. Y., West Haverstraw, N. Y., Garfield, N. J., Perth Amboy, N. J., or Tallant, Oklahoma, whichever is less.

In no case shall the price of any quantity of formaldehyde sold in containers holding 45 lbs. or more, but not listed above, exceed the maximum price set forth above for a container holding the next greater quantity.

(b) Maximum prices for formaldehyde delivered from local stocks. The maximum price for formaldehyde delivered from local stocks maintained at points other than producers' shipping points shall not exceed a price ex seller's warehouse greater than the maximum prices set forth above plus freight to seller's warehouse from New York, N. Y., West Haverstraw, N. Y., Garfield, N. J., Perth Amboy, N. J., or Tallant, Oklahoma, whichever is less, plus one cent per pound.\*

Issued this 20 day of August, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6234; Filed, August 20, 1941; 11:50 a, m.]

No. 163-4

PART 1336—RADIO, TELEPHONE AND TELEGRAPH

CIVILIAN ALLOCATION PROGRAM FOR MATERIAL
USED IN THE MANUFACTURE OF RADIO
TUBES AND ELECTROLYTIC CONDENSERS FOR
REPLACEMENT USE

Increasing demand for critical materials from all sources and the priorities granted to defense requirements have made it difficult for manufacturers of radio tubes and electrolytic condensers for replacement use to obtain the necessary critical materials. The maintenance of existing communications is essential to the functioning of our economy and to the morale of our people. Replacements, therefore, must be made available to the users of radio sets in this country.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, particularly section 2 (a) thereof, the following program is announced for the allocation of materials necessary for the manufacture for replacement purposes of radio tubes and electrolytic condensers:

§ 1336.1 Allocation of materials for the manufacture of radio tubes and electrolytic condensers for replacement use. During the period beginning on the date of issue of this Civilian Allocation Program and ending November 30, 1941 the materials listed below shall be allocated as required, in quantities not to exceed those stated below, to the manufacture, for replacement use, of radio tubes and electrolytic condensers. When necessary, manufacturers shall be given the highest civilian preference rating in ordering such materials.

### (a) Radio tubes:

| Material:                    | Pounds  |
|------------------------------|---------|
| Nickel                       | 36,000  |
| Cold rolled steel            | 144,000 |
| Barium                       | 8       |
| Aluminum                     | 18      |
| Chromium                     | 2,700   |
| Manganese                    | 230     |
| Copper                       | 11,500  |
| Silver                       | 100     |
| Iron                         | 16,500  |
| Molybdenum powder and wire   |         |
| Tungsten powder and wire     |         |
| Steel wire                   | 1, 200  |
| Tin                          | 3,300   |
| Lead                         | 2, 200  |
| Cobalt                       | 310     |
| Brass                        | 40 500  |
| Magnesium                    | 35      |
| (b) Electrolytic condensers: |         |

Aluminum \_\_\_\_\_ 23,000

To the extent that allocations of materials for the manufacture of radio tubes and electrolytic condensers are made by the Office of Production Management for the period of this program, the allocations for replacement purposes included therein shall be the quantities stated above.\*

\*§§ 1336.1 to 1336.8, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

<sup>1</sup>6 F.R. 1917.

§ 1336.2 Allocation among manufacturers. (a) The materials allocated in § 1336.1 for the production of radio tubes for replacement use shall be apportioned to each manufacturer of such radio tubes in accordance with the ratio of his dollar sales of radio tubes during the calendar year 1940 to the aggregate industry dollar sales of radio tubes during the calendar year 1940. (b) The materials allocated in § 1336.1 for the production of electrolytic condensers for replacement use shall be apportioned to each manufacturer of such condensers in accordance with the ratio of his dollar sales of electrolytic condensers during the calendar year 1940 to the aggregate industry dollar sales of electrolytic condensers during the calendar year 1940.

The Director of Priorities of the Office of Production Management may, with the concurrence of the Director of Civilian Allocation of the Office of Price Administration and Civilian Supply, grant adjustments deemed necessary or appropriate upon the application of any manufacturer of such replacement radio tubes or electrolytic condensers complaining of inequity or hardship in the aforesaid allocation of materials.\*

§ 1336.3 Scope of program. This program refers only to radio tubes and electrolytic condensers to be used for replacement purposes.\*

§ 1336.4 Identification of replacement radio tubes. All radio tubes manufactured with materials allocated under this program shall carry a visible, non-removable marking designating such tubes as radio tubes available for replacement use only. Failure to comply with the terms of this provision may be a basis for prohibition of further allocation of materials.\*

§ 1336.5 Reports. Each manufacturer of electrolytic condensers receiving materials under this program shall file with the Director of Priorities, Office of Production Management, at the end of each month in which materials are used, an affidavit to the effect that such electrolytic condensers, to the best of his knowledge, are being sold for replacement purposes only.\*

§ 1336.6 Avoidance of excessive inventories. Allocations of material or preferences granted under this program shall not be used to accumulate excessive inventories.\*

§ 1336.7 Enforcement. The foregoing program is to be administered and enforced by the Office of Production Management.\*

§ 1336.8 Effective date and expiration. This program shall take effect on August 20, 1941, and shall, unless sooner terminated by the Administrator of the Office of Price Administration and Civilian Supply, expire November 30, 1941.\*

Issued this 20th day of August 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6235; Filed, August 20, 1941; 11:51 a. m.]

### TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINIS-TRATION

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

### APPORTIONMENTS

§ 3.1312 Apportionment not authorized. No apportionment will be authorized:

(b) (1) Where the child of the disabled person has been legally adopted other than by the disabled person, except the additional a mount specifically authorized by the World War Veterans Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, to be paid on account of the child. This provision is not applicable to death benefits,

(2) Where the child is not in the custody of the disabled person by reason of the child's entry into the active military or naval service, even though by reason of his minority the veteran's compensation is still payable at a higher rate, and irrespective of whether compensation was apportioned for the child prior to his entry into the active military or naval service. (August 20, 1941.) (54 Stat. 1195; 38 U.S.C. 49a)

§ 3.1317 Discontinuance of apportionments: effective dates. Where disability pension, disability compensation, service pension or emergency officers retirement pay is apportioned between the veteran and his dependents and payments have been or are being made to the dependents subsequent to the date of cessation of the condition on which it is predicated. the effective date of discontinuance of the apportioned benefit to the dependent shall be the date of last payment and the award to the veteran will be adjusted accordingly; except that in the event of death, the date of death; divorce, the date preceding the date of divorce; in the case of a child, the date preceding the sixteenth, eighteenth, or twenty-first birthday, or cessation of school attendance, or the date preceding the date of marriage, will be the effective date. Where a minor child of a disabled person being paid apportioned disability compensation or pension enters the active military or naval service such apportioned award will be discontinued as of the date of last payment and, effective as of the next day, such child's apportioned share will be added to the disability compensation or pension otherwise payable to the veteran. Where the estranged wife of a disabled veteran is receiving apportioned disability compensation or pension in behalf of herself and a minor child and such minor child enters the active military or naval service the apportioned share for the estranged wife will be continued in the same amount as was payable prior to the child's entry into active service, such

increased amount to continue during the child's minority or until the cessation of the condition upon which the apportionment was made. (August 20, 1941) (54 Stat. 1195; 38 U.S.C. 49a)

[SEAL]

FRANK T. HINES, Administrator.

[F. R. Doc. 41-6220; Filed, August 20, 1941; 11:17 a. m.]

PART 4—Adjudication: Veterans' Claims, Central Office Section

AWARDS, AMENDMENTS, AND DISCONTINUANCES

§ 4.2116 Act of April 3, 1939 (Public No. 18, 76th Congress). Commencement shall be from the date determined by the Secretary of War, or by someone designated by him in the War Department. (August 20, 1941) (53 Stat. 557; 10 U.S.C. 369a)

[SEAL]

FRANK T. HINES, Administrator.

[F. R. Doc, 41-6219; Filed, August 20, 1941; 11:15 a. m.]

PART 5—ADJUDICATION: DEPENDENTS'
CLAIMS

EFFECTIVE DATES OF REDUCTIONS AND DIS-CONTINUANCES OF DEATH PENSION AND COMPENSATION

§ 5.2586 Public No. 2, 73d Congress (Act of March 20, 1933) as amended; sections 28 and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934) as amended; Public No. 304 and Public No. 514, 75th Congress (Acts of August 16, 1937 and May 13, 1938); and Public No. 484, 73d Congress (Act of June 28, 1934) as amended. Where death pension or compensation has been awarded under the provisions of Public No. 2, 73d Congress or section 28 or 31. Title III. Public No. 141, 73d Congress or Public No. 304, or Public No. 514, 75th Congress (Acts of August 16, 1937 and May 13, 1938) or Public No. 484, 73d Congress as amended the effective date of reduction or discontinuance of such death pension or compensation shall be in accordance with the facts found, except that:

(c) Child reaching eighteen, marrying, dying, or entering military or naval service. (1) Discontinuance or reduction of pension or compensation to or because of a child reaching the age of eighteen years, or being married, or dying, shall be effective the date next preceding the eighteenth birthday or next preceding the date of marriage, or will be effective upon the date of death (V. R. No. 2 (a), Part I, Par. III (e)).

(2) In those cases in which there is no widow, payments of pension or compensation being made to a child under eighteen years of age or to the fiduciary of such child shall, upon the child's entry into the active military or naval service of the United States be discontinued as of the day preceding the date of entrance in the service. The date of entrance should be verified by Form 3101 series.

(3) In those cases in which there is a widow entitled, the additional death compensation or pension being paid on behalf of or for a child shall, upon such child's entry into the active military or naval service of the United States be paid to the widow during the period of the child's military or naval service prior to the child's eighteenth birthday: Provided, That in those cases in which an apportioned share is currently being paid in behalf of the child at the date of the child's entry into service, such apportionment will be discontinued as of the date of last payment and, effective as of the next day, the apportioned share for the child will be included in the widow's award.

(e) (1) Where an additional allowance is being paid to a widow for a child or children and information is received showing a definite date that a child has died, married, or discontinued school, an amended award will be approved immediately reducing payments to the widow accordingly, as provided by paragraphs (c) and (d) hereof. If a definite date is not shown, the award to the widow will be discontinued as of the date of last payment and information furnished that payments will not be resumed until the necessary evidence to show death, marriage, or termination of schooling has been submitted, except that if the notice shows the month but not the exact date of the happening of the contingency the award will be adjusted as of the first day of such month.

(2) When an amended award is approved under the criteria set forth in the preceding paragraph (e) (1), evidence will be requested to establish the exact date of death, marriage, or discontinuance of school attendance, and information furnished the widow that unless the evidence is received within thirty days her award will be discontinued. A diary will be maintained to insure appropriate action being taken at the expiration of the thirty day period.

(3) If the evidence establishes a different date of death, marriage, or discontinuance of school attendance, the award will be amended further to reflect the correct date of the happening of the contingency.

Previous paragraphs (e), (f), (g), (h), and (i) relettered to be (f), (g), (h), (i), and (j) (August 20, 1941). [54 Stat. 1195; 38 U.S.C. 49a]

APPORTIONMENT OF DEATH PENSION OR COMPENSATION

§ 5.2591 Conditions; effective dates; rates—(a) Conditions under which apportionment may be made. Death compensation or pension payable under any law or Veterans Regulations administered by the Veterans Administration shall be

apportioned where the child or children of a deceased person who served are not in the actual or constructive custody of the widow, except that no apportionment of death compensation or pension payable to the widow for herself and child or children will be made for any child who enters the active military or naval service of the United States (§ 5.2586 (c)); or, where the child or children are separated from the widow, due to her incompetency, and a fiduciary has been appointed for the widow who is providing properly for the children from the widow's estate or income voluntarily or pursuant to a decree of a court of competent jurisdiction. The apportionment of a widow's pension or compensation will not be considered a reduction thereof.

(b) (1) Effective dates of apportionment. The effective date of the apportionment will be the first day of the month next succeeding that in which notice was received in the Veterans Administration that the child or children are not in the actual or constructive care and custody of the widow: Provided, That where prior to the initial award to the widow the lack of custody in the widow is shown, the compensation or pension will be apportioned in accordance with the facts found for all periods affected: Provided, That where there was a running award on October 17, 1940, under the laws granting pensions to dependents of persons who served prior to April 21, 1898, or under the laws reenacted by Public No. 269, 74th Congress, the notice hereinabove referred to must be received in the Veterans Administration subsequent to October 17, 1940: Provided further, That pension payable under such laws shall not, in any event, be apportioned for any period prior to October 17, 1940. (August 20, 1941) (54 Stat. 1195; 38 U.S.C. 49a.

[SEAL]

FRANK T. HINES, Administrator.

[F. R. Doc. 41-6213; Filed, August 20, 1941; 11:16 a. m.]

### TITLE 43-PUBLIC LANDS: INTERIOR CHAPTER III—GRAZING SERVICE

PART 502-LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

REDESCRIPTION OF AND ADDITION TO ARIZONA GRAZING DISTRICT NO. 21

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, et seq.), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 2, as established and defined by department orders of March 6, 1936, and November 3, 1937, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, all lands withdrawn or re-

served for other purposes heretofore or hereafter included in the district in accordance with the provisions of section 1 of said Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands heretofore or hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code. sec. 315 m-1, 2, 3, 4,), commonly known as the Pierce Act, not excluding lands withdrawn by Executive Order of November 26, 1934 (No. 6910), within the following-described areas:

### ARIZONA

Gila and Salt River Meridian

All that part of Mohave County lying south and east of the Colorado River, and

T. 14 N., R. 10 W., Secs. 1 to 4, inclusive; Secs. 5 and 8, those parts lying in Yavapai County; Secs. 9 to 12 and secs. 14 to 16, inclusive; Secs. 17 and 20, those parts lying in Yava-

pai County; Secs. 21, 22, 27 and 28; Sec. 29, that part lying in Yavapai County; T. 15 N., R. 10 W., Sec. 1, lots 1, 2, 3, and 4, S½N½, SW¼; Secs. 2, 3, and 4; Secs. 5 and 8, those parts lying in Yavapai

County;
Secs. 9, 10, and 11;
Sec. 14, N½, SW½;
Secs. 15 and 16;
Secs. 17 and 20, those parts lying in Yavapai

County; Secs. 21 and 22; Secs. 25 to 28, inclusive; Secs. 29 and 32, those parts lying in Yavapai

Secs. 33 to 36, inclusive; T. 16 N., R. 10 W., that part lying in Yavapai County;

T. 16½ N., R. 10 W., Sec. 32, that part lying in Yavapai County; Sec. 33, S½; Sec. 34, S½S½; Sec. 35, S½S½;

The Federal Range Code, as revised, February 26, 1941, shall be effective as to the lands embraced herein, including the lands not previously a part of Arizona Grazing District No. 2, from and after the date of the publication of this order in the FEDERAL REGISTER, except that the lands not previously a part of Arizona Grazing District No. 2 will not be subject to section 8, paragraphs (b), (d), (e), (f), until one year from the date of publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY, Acting Secretary of the Interior. JULY 30, 1941.

[F. R. Doc. 41-6199; Filed, August 20, 1941; 9:34 a. m.]

PART 502-LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

REDESCRIPTION OF AND ADDITION TO ARIZONA GRAZING DISTRICT NO. 3

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U.S. Code, sec. 315, et seq.), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 3, established and defined by departmental orders of July 14, 1938, January 23, 1939, October 24, 1940, and April 9, 1941, is hereby modified. The district as redefined shall embrace all vacant, unappropriated, and unreserved public lands and all lands withdrawn for other purposes which have heretofore been included or may hereafter be included therein in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover; and all lands within the said area heretofore or hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U.S. Code, sec. 315 m-1, 2, 3, 4), commonly known as the Pierce Act; not excluding lands withdrawn by Executive Order of November 26, 1934 (No. 6910), within the following-described areas:

### ARIZONA

### Gila and Salt River Meridian

T. 2 N., R. 2 W., secs. 6 and 7; T. 3 N., R. 2 W., secs. 6, 7, 18, 19, 30, and 31; Tps. 2 and 3 N., R. 3 W., partly unsurveyed; T. 6 N., R. 3 W., Sec. 30, W½; Sec. 31; Sec. 31; T. 7 N., R. 3 W., Secs. 4 to 9, inclusive; Secs. 17 and 18; Tps. 2 and 3 N., R. 4 W.; T. 4 N., R. 4 W., Sec. 2; Secs. 5 to 8, inclusive; Secs. 5 to 8, inclusive;
Secs. 17 W<sup>1</sup>/<sub>2</sub>;
Secs. 18 and 19;
Sec. 30, lots 1 and 2, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;
T. 5 N., R. 4 W., secs. 2 to 11, secs. 14 to 23, and secs. 25 to 36, inclusive;
T. 6 N., R. 4 W.;
T. 7 N., R. 4 W., secs. 1 to 24, and secs. 27 to 33, inclusive; sec. 34, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, partly unsurveved; surveyed; Tps. 1 to 6 N., R. 5 W., partly unsurveyed; T. 7 N., R. 5 W., secs. 7 to 36, inclusive, partly unsurveyed: unsurveyed; Tps. 1 to 6 N., R. 6 W., partly unsurveyed; T. 7 N., R. 6 W., secs. 1 to 4, secs. 9 to 16, secs. 22 to 27, and secs. 34 to 36, inclusive; T. 8 N., R. 6 W., secs. 33 to 36, inclusive; Tps. 1 to 5 N., R. 7 W.; T. 6 N., R. 7 W.; T. 6 N., R. 7 W., secs. 1 and 2; secs. 8 to 36, inclusive;
T. 10 N., R. 7 W., sec. 4, W½; secs. 5 to 8, inclusive; sec. 9, W½; sec. 16, W½; secs. 17 to 20, and secs. 29 to 32, inclusive; T. 11 N., R. 7 W., secs. 28 to 33, inclusive; Tps. 1 to 5 N., R. 8 W., partly unsurveyed; T. 6 N., R. 8 W., secs. 13 and 14; sec. 15, E½ E½;

secs. 13 and 14; sec. 15, E½E½; sec. 21, S½SE½; sec. 22, E½, E½NW¼, SW¼; secs. 23 to 36, inclusive; T. 7 N., R. 8 W., secs. 17 to 21, inclusive; T. 9 N., R. 8 W., secs. 1 to 18, inclusive; T. 10 N., R. 8 W., secs. 1 to 3, and secs. 10 to 36, inclusive;

T. 11 N., R. 8 W., secs. 25 to 27, and secs. 34 to 36, inclusive;

Tps. 1 to 5 N., R. 9 W., partly unsurveyed; T. 6 N., R. 9 W., secs. 2 to 36, inclusive; T. 7 N., R. 9 W.,

secs. 2 to 24, inclusive; sec. 25, N½; secs. 26 to 35, inclusive;

Affects tabulation in § 502.1d.

T. 8 N., R. 9 W., secs. 2 to 11, secs. 14 to 23, and secs. 26 to 36, inclusive;
T. 9 N., R. 9 W., secs. 1 to 23, and secs. 26 to

inclusive

T. 10 N., R. 9 W., secs. 3 to 10, and secs. 13 to

Tps. 1 to 10 N., R. 10 W., partly unsurveyed; T.11 N., R. 10 W., those parts of secs. 4 and 5 south of Santa Maria River;

those parts of secs. 6 and 7 south of Santa Maria River within Yavapai County; those parts of secs. 8 and 9 south of Santa

those parts of secs. 8 and 9 south of Santa Maria River;
secs. 10 to 35, inclusive;
Tps. 1 to 10 N., R. 11 W., partly unsurveyed;
T. 11 N., R. 11 W., that part south of Santa Maria River;
Tps. 1 to 10 N., R. 12 W., partly unsurveyed;
T. 11 N., R. 12 W., that part south of the Santa Maria and Williams Rivers;
Tps. 1 to 9 N., R. 13 W., partly unsurveyed;
Tps. 10 and 11 N., R. 13 W., those parts south of Williams River;
Tps. 1 to 9 N., R. 14 W., partly unsurveyed;
T. 10 N., R. 14 W., that part south of Williams River, partly unsurveyed;
Tps. 1 to 9 N., R. 15 W., partly unsurveyed;
Tps. 10 and 11 N., R. 15 W., those parts south of Williams River, partly unsurveyed;
Tps. 10 and 11 N., R. 15 W., those parts south of Williams River, partly unsurveyed;
Tps. 1 to 10 N., R. 16 W., partly unsurveyed;
Tps. 1 to 10 N., R. 16 W., partly unsurveyed;

River

Tps. 1 to 10 N., R. 17 W., partly unsurveyed; T. 11 N., R. 17 W., that part south of Williams River:

Tps. 1 to 10 N., R. 18 W., partly unsurveyed; T. 11 N., R. 18 W., that part south of Williams

Tps. 1 to 6 N., R. 19 W., partly unsurveyed;
Tps. 7 to 10 N., R. 19 W., those parts outside of the Colorado River Indian Reservation,

partly unsurveyed;
T. 1. N., R. 20 W., secs. 1 to 3, secs. 10 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive;
Tps. 2 and 3 N., R. 20 W., partly unsurveyed;
Tps. 4 to 7 N., R. 20 W., those parts outside of the Colorado River Indian Reservation, partly unsurveyed;

partly unsurveyed;
Tps. 2 and 3 N., R. 21 W., partly unsurveyed;
T. 4 N., R. 21 W., secs. 19 to 36, inclusive;
Tps. 2 and 3 N., R. 22 W.;
Tps. 1 to 9 S., R. 1 W., partly unsurveyed;
T. 1 S., R. 2 W., that part south of Gila River;

Tps. 2 to 9 S., R. 2 W., partly unsurveyed; T. 1 S., R. 3 W., that part south of Gila River;

ps. 2 to 9 S., R. 3 W., partly unsurveyed; . 10 S., R. 3 W., secs. 4 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive, unsurveyed; T. 11 S., R. 3 W., secs. 4 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive, unsurveyed;
T. 1 S., R. 4 W., that part south of Gila River

Tps. 2 to 11 S., R. 4 W., partly unsurveyed; T. 12 S., R. 4 W., secs. 4 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive, unsurveyed; Tps. 1 to 4 S., R. 5 W., partly unsurveyed; T. 5 S., R. 5 W., sec. 16; secs. 18 to 36, inclu-

sive;
Tps. 6 to 13 S., R. 5 W., partly unsurveyed;
T. 14 S., R. 5 W., secs. 1 to 18, inclusive;
Tps. 1 to 13 S., R. 6 W., partly unsurveyed;
T. 14 S., R. 6 W., secs. 1 to 18, inclusive;
Tps. 1 to 13 S., R. 7 W., partly unsurveyed;
T. 14 S., R. 7 W., secs. 1 to 18, inclusive;
Tps. 1 to 13 S., R. 8 W., partly unsurveyed;
T. 14 S., R. 8 W., secs. 1 to 21, and secs. 28 to 33, inclusive, unsurveyed;
T. 15 S. R. 8 W., secs. 4 to 9 secs. 16 to 21

To 33, inclusive, unsurveyed;
To 15 S., R. 8 W., secs. 4 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive, unsurveyed;
To 16 S., R. 8 W., secs. 4 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive, unsurveyed;
To 17 S., R. 8 W., fractional west half, unsurveyed;

surveyed; Tps. 1 to 10 S., and 12 to 17 S., R. 9 W.,

partly unsurveyed;

Tps. 1 to 3 S., 6 to 10 S., and 12 to 16 S.,
R. 10 W., partly unsurveyed;

Tps. 1 to 3 S., R. 11 W., partly unsurveyed;

T. 4 S., R. 11 W., secs. 19, 30, and 31;

T. 5 S., R. 11 W.,

Secs. 5 to 8 the bysike.

secs. 5 to 8, inclusive; secs. 17 and 18;

Tps. 12 to 16 S., R. 11 W.;

Tps. 1 to 5 S., and 12 to 15 S., R. 12 W., partly unsurveyed;

Tps. 1 to 5 S., and 12 to 15 S., R. 13 W., partly unsurveyed; Tps. 1 to 5 S., and 12 to 15 S., R. 14 W., partly

unsurveyed; Tps. 1 to 5 S., and 12 to 14 S., R. 15 W., partly

unsurveyed; Tps. 1 to 5 S., and 12 to 14 S., R. 16 W., partly unsurveyed;

Tps. 1 to 5 S., R. 17 W., unsurveyed; T. 12 S., R. 17 W., secs. 1 to 3, secs. 10 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive, unsurveyed; T. 13 S., R. 17 W., secs. 1 to 3, secs. 10 to 15,

secs. 22 to 27, and secs. 34 to 36, inclusive, unsurveyed:

T. 14 S., R. 17 W., fractional, unsurveyed; Tps. 1 to 5 S., R. 18 W., unsurveyed; Tps. 1 to 3 S., R. 19 W., unsurveyed; T. 4 S., R. 19 W., secs. 1 to 4, secs. 9 to 16, secs. 21 to 28, and secs. 33 to 36, inclusive, unsurveyed.

surveyed;

T. 5 S., R. 19 W., secs. 1 to 4, secs. 9 to 16, secs. 21 to 28, and secs. 33 to 36, inclusive, unsurveyed;

T. 2 S., R. 1 E., secs. 19 to 36, inclusive; Tps. 3 to 8 S., R. 1 E.; T. 9 S., R. 1 E., secs. 1 to 18, inclusive; T. 5 S., R. 2 E., secs. 5 to 9, secs. 16 to 20, and secs. 29 to 32, inclusive;

T. 6 S., R. 2 E., secs. 5 to 8, secs. 17 to 21, and secs. 28 to 33, inclusive, partly unsurveyed;

T. 7 S., R. 2 E., partly unsurveyed; T. 8 S., R. 2 E., secs. 1 to 21, and secs. 28 to 33, inclusive, partly unsurveyed;

T. 7 S., R. 3 E., partly unsurveyed; T. 8 S., R. 3 E., secs. 4 to 9, and secs. 16 to 18, inclusive, partly unsurveyed.

The Federal Range Code, as revised, February 26, 1941, shall be effective as to the lands embraced herein, including the lands not previously a part of Arizona Grazing District No. 3, from and after the date of the publication of this order in the FEDERAL REGISTER, except that the lands not previously a part of Arizona Grazing District No. 3 will not be subject to section 8, paragraphs (b), (d), (e), (f), until one year from the date of publication of this order in the FEDERAL REGISTER.

> JOHN J. DEMPSEY, Acting Secretary of the Interior.

JULY 30, 1941.

[F. R. Doc. 41-6200; Filed, August 20, 1941; 9:34 a. m.]

### TITLE 46—SHIPPING

CHAPTER I-BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 138]

GENERAL RULES AND REGULATIONS

### AMENDMENTS

AUGUST 18, 1941.

Pursuant to the authority of R. S. 4405, as amended (46 U.S.C. 375), an Executive Committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, was after public notice convened by the Acting Secretary of Commerce in the Auditorium, Department of Commerce, Washington, D. C., on July 14, 1941, at which session, after public hearings, the

following regulations, amendments, and approvals of miscellaneous items of equipment were adopted.

SUBCHAPTER C-MOTORBOATS AND CERTAIN VESSELS PROPELLED BY MACHINERY OTHER THAN BY STEAM MORE THAN 65 FEET IN LENGTH

PART 27-REQUIREMENTS FOR MOTORBOATS AND MOTOR VESSELS OF MORE THAN 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

Section 27.3-3 (h) is amended by changing Table IV to read as follows:

§ 27.3-3 Machinery spaces.

### TABLE IV

| Gross volume of space    | Carbon dioxide |
|--------------------------|----------------|
| (cu. ft.):               | (in lbs.)      |
| Up to 100                | 7.5            |
| 100-140                  | 10             |
| 140-220                  |                |
| 220-300                  |                |
| 300-375                  |                |
| 375-500                  |                |
| F00 000                  | 35             |
| 500-800                  |                |
| 800-1,200                | 75             |
| 1,200-1,600              | 100            |
| 1,600-2,700              | 150            |
| 2,700-3,600              | 200            |
| 3,600-4,500              | 250            |
| 4,500-6,000              |                |
| 6,000-50,000for each 1,  |                |
| Abore 50,000 for seek 1, | 000 cu. ft 50  |
| Above 50,000for each 1,1 | 100 cu. ft 50  |

(R.S. 4405, as amended, 54 Stat. 163-167; 46 U.S.C. 375 and 526-526t)

### SUBCHAPTER D-TANK VESSELS

PART 30-GENERAL PROVISIONS

Paragraph (a) of § 30.2 Division of rules and designations of their application is amended by the deletion in the first line of the word "seven" and the word "eight" is substituted therefor; and immediately below the words "Specifications: Life-saving appliances" by the addition of the words "Transportation of liquefled inflammable gases." (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 30.3 (r) is amended to read as follows:

§ 30.3 Definition of terms.

(r) Inflammable liquid. (1) an inflammable liquid is any liquid which gives off inflammable vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F. In the rules in this subchapter, inflammable liquids are referred to by grades, as follows:

Grade A. Any inflammable liquid having a Reid Vapor Pressure of 14 pounds or more

Grade B. Any inflammable liquid having a Reid Vapor Pressure under 14 pounds and over 81/2 pounds.

Grade C. Any inflammable liquid having a Reid Vapor Pressure of 81/2 pounds or less and a flash point of 80° F. or (2) Liquefied inflammable gas. Any inflammable gas, having a Reid vapor pressure exceeding 40 pounds or a vapor pressure exceeding 25 pounds per square inch gauge at 70° F. as determined by N. G. A. A. or other recognized test method, which has been compressed and iquefied for purposes of transportation. In the rules in this subchapter, liquefied inflammable gases are referred to by classes, as follows:

Class 1. Any liquefied petroleum gas, including gases or mixtures of gases produced with or derived from petroleum or natural gas, and composed predominantly of hydrocarbons or mixtures of hydrocarbons such as propane, propylene, butanes, butylenes or butadiene.

Class 2. Any liquefied inflammable gas other than liquefied petroleum gas. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 30.3 (dd) is amended to read as follows:

(dd) Spark Arrester. The term "spark arrester" means any device, assembly, or method of a mechanical, centrifugal, cooling, or other type and of a size suitable for the retention or quenching of sparks in exhaust pipes from internal-combustion engines. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 32—REQUIREMENTS FOR HULLS, MA-CHINERY AND EQUIPMENT

Section 32.1-5 is amended by the addition of a new paragraph (e) reading as follows:

§ 32.1-5 Hull fittings—TB/ALL.

(e) On all vessels, not subject to the Load Line Laws and the regulations issued thereunder (Subchapter E of Chapter I of this Title), of 150 gross tons or over, whose keels are laid on or after June 15, 1941, cast iron is not to be used for any connection to the vessel's sides if located below the main deck, nor are cast iron valves to be secured to sea chests. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 32.5-7 is amended to read as follows:

§ 32.5-7 Internal-combustion engine exhaust; new installations—TB/ALL. Exhaust lines from internal-combustion engines, where run through the deck, or through the sides of the superstructure, shall be extended to a height of at least 4 feet above the deck. A spark arrester shall be installed in each exhaust line. Exhaust piping shall be either insulated or water-cooled. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375 and 391a)

Section 32.8-4, paragraph (a), is amended to read as follows:

<sup>1</sup>American Society for Testing Materials Tentative Method of Test for Vapor Pressure of Petroleum Products (Reid Method) (D-323-38).

of Petroleum Products
(D-323-38).

<sup>2</sup>Natural Gasoline Association of American
Tentative Standard Method for Determination of Vapor Pressure of Liquefied Petroleum
(Gas Products—Revised July, 1940.

§ 32.8-4 Cargo piping; new vessels— TB/ALL. (a) Pipe lines shall be carefully fitted to avoid stresses at the joints. For sizes above 2 inches in diameter, flanged, welded, or other approved connections shall be made throughout and packing shall be of a material suitable for the cargo carried. Connections at oil-tight bulkheads or other divisions shall be made in such manner that the plating does not form part of a flanged joint. Cargo pipe lines shall not pass through spaces containing machinery where sources of vapor ignition are normally present. Pipe lines may be carried through bunker spaces and deep tanks by providing a pipe tunnel or alley. The alley or tunnel may be eliminated where extra heavy pipe is used and where the pipe is bent to take care of expansion and contraction. (Secs. 4405 and 4417a, R.S., as amended; 46 U.S.C. 375, 391a)

PART 33-LIFE-SAVING EQUIPMENT

Section 33.2-5 is amended to read as follows:

§ 33.2-5 Tank vessels; Great Lakes—TB/L. (a) All tank vessels operating on the waters of the Great Lakes shall carry a sufficient number of lifeboats to accommodate all persons on board. No boat on a tank vessel of 100 gross tons or over shall be of less than 90 cubic feet measurement, except by approval of the Bureau. No boat on a tank vessel of less than 100 gross tons shall be of less than 60 cubic feet measurement.

(b) All tank ships of 300 gross tons and over, operating on the waters of the Great Lakes, shall carry in addition to their lifeboat equipment, one approved and fully equipped life raft of suitable size, with one self-igniting water light; the raft to be stowed in a manner to allow same to float clear in the event of sinking of the vessel. The self-igniting water light need not be attached to the raft, but when the self-igniting water light is not attached to the raft, a snap hook shall be provided for this purpose: Provided, however, That all tank ships of 300 gross tons or over operating on the waters of the Great Lakes which are equipped with lifeboats in accordance with sections 33.2-1 or 33.2-3, shall be exempt from this requirement. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375.

Section 33.3-6 is amended by changing the heading and first sentence to read as follows:

\$ 33.3-6 Life-raft e q u i p m e n t—T/L. Life rafts shall be equipped as follows:

\* \* (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

The center heading immediately preceding § 33.8-1 is amended to read as follows:

DISTRESS LIGHTS AND SIGNALLING LAMP

(R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Part 33 is amended by the addition of a new § 33.8-2 reading as follows:

§ 33.8-2 Signaling lamp—T/OC. Ocean and coastwise tank ships over 150 gross tons shall be equipped with an efficient signaling lamp. This lamp shall be permanently fixed above the bridge and equipped with a Fresnel lens and high-speed bulb, operated by a weather-proof key, fitted with a suitable condenser. The lamp shall be so connected that it can be operated from the normal source of ship's current, the emergency source, and other emergency batteries if provided. (R. S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 34-FIRE-FIGHTING EQUIPMENT

Section 34.2-2 (b) is amended to read as follows:

§ 34.2-2 Capacity of fire pumps; tank ships of more than 500 gross tons—T/ALL.

(b) Pumps on tank ships of more than 500 gross tons shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 lbs. per square inch through nozzles, each having an orifice of not less than % inch diameter where the internal diameter of the hose exceeds 1½ inches and not less than % inch in diameter where the internal diameter of the hose does not exceed 1½ inches. (R. S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

### PART 35-OPERATION

Section 35.2-7 is amended to read as follows:

§ 35.2-7 Flashing the rays of a searchlight or other blinding light-T/ALL. Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of section 4450 R.S., as amended, looking to the revocation or suspension of his license or certificate. (R.S. 4405, 4412, 4417a, as amended, sec. 2 of 30 Stat. 102, 38 Stat. 381, sec. 3 of 28 Stat. 649; 46 U.S.C. 375, 381, 391a, 33 U.S.C. 157, 243)

Section 35.5-12 is amended by changing the present paragraphs (b) and (c) to (c) and (d), respectively, and by inserting a new paragraph (b) reading as follows:

§ 35.5-12 Transfer of other cargo or stores.

(b) TB/ALL. Package and general cargo may be carried in horizontal cofferdams and similar deck spaces which are adequately ventilated, provided no cargo tank hatch or vent opens into the space, and provided further that such package or general cargo is properly dunnaged to prevent chafing of metal parts and is

securely lashed or stowed. (R.S. 4405, 4417a, as amended; 46 U.S.C, 375, 391a)

### PART 36-LICENSED OFFICERS AND CERTIFICATED MEN

Section 36.1-5 (b) is amended to read as follows:

§ 36.1-5 Professional examination and service-T/ALL.

(b) No applicant for a license, who is a naturalized citizen, and who has obtained his experience on foreign vessels, shall be given a grade of license higher than that upon which he has actually served while acting under the authority of a foreign license. (R.S. 4405, 4417a, R.S., as amended; 46 U.S.C. 375, 391a)

### PART 37-SPECIFICATIONS FOR LIFE-SAVING APPLIANCES

Section 37.2-10 (c) is amended by the addition of the following:

§ 37.2-10 Gunwales-TB/ALL. . . .

(c) \* \* \* Fastenings securing the gunwale bar or wooden gunwale to the sheer plate shall be spaced on three-inch centers. (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. 375, 391a, 481)

Section 37.2-11 is amended to read as follows:

§ 37.2-11 Nosings-TB/ALL. (a) The outside of the gunwale angle shall have a nosing of clear grain oak or teak secured to the sheer plate and the gunwale by fastenings spaced on 6-inch centers which fastenings may be substituted for alternate fastenings between the gunwale bar or the wooden gunwale and the sheer strake; the flat side of the nosing on boats not over 20 feet long shall be not less than 11/2 inches wide and % inch thick; on boats over 20 feet and not over 24 feet, it shall be not less than 1% inches wide and 1 inch thick; on all boats over 24 feet, it shall be not less than 21/4 inches wide and 1 inch thick.

(b) Steel gunwales made from steel plates bent to a 1/2 inch inside radius need not be fitted with nosings. The vertical leg of the gunwale shall be outboard of the sheer strake. (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. 375, 391a, 481)

PART 38-TRANSPORTATION OF LIQUEFIED INFLAMMABLE GASES 1

Sec. 38.1-1 Requirements for construction-TB/ALL.
Markings—TB/ALL,
Valves and accessories—TB/ALL. 38.1-2

38.2-2

Valves and accessories—TB/ALL.

Installations excess flow and backpressure check valves—TB/ALL.

Piping and fittings—TB/ALL.

Safety devices—TB/ALL. 38.3-1 38.4-1

1 Part 38 is added.

Liquid level gauging devices— TB/ALL. Hose specification—TB/ALL. Filling densities—TB/ALL. Installation—TB/ALL. 38.5-1

38.6-1 38.7-1

38.8-1

Venting—TB/ALL.
Periodic test—TB/ALL.
Certificate of Inspection—TB/ALL. 38.10-1 38.11-1

Electrical bonding-TB/ALL.

§ 38.1-1 Requirements for construction-TB/ALL. (a) Cargo tanks shall be constructed and tested in accordance with the requirements of Parts 50 to 57, inclusive, as amended, for Class 2 unfired pressure vessels of welded construction.

(b) Each cargo tank shall be inspected and tested to determine its maximum safe working pressure and shall be certified for stowage of any liquefied inflammable gases having a vapor pressure (gauge pressure) at 115° F. not exceeding that working pressure.\*

\*§§ 38.1-1 to 38.12-1, inclusive, issued under the authority contained in R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a.

 $\S$  38.1-2 Markings-TB/ALL. (a) Upon completing the inspection of a tank, the inspector, if fully satisfied that the tank is built in all respects in accordance with the approved drawings or blueprints on file, and that the workmanship and material are good and the tank safe for the working pressure for which it was approved, shall cause it to be stamped with the following inscription, which must be legible:

WLD\_\_\_\_\_ \_\_\_PV NO\_\_\_ ST.....SD..... HT HR.
TS MTL CL GR
TP LBS CAP DATE\_\_\_\_SWP\_\_LBS\_\_\_\_

Abbreviations:

PV—Pressure vessels, ST—Shell thickness, SD—Shell diameter.

HT-Head thickness.

HR—Head radius. TS—Tensile strength.

MTL-Material. CL-Class.

GR-Grade.

GR—Grade.
TP—Test pressure.
SWP—Safe working pressure.
CAP—Capacity water gals. U. S.
USI—Inspector's Initials and Serial.

WLD-Welded.

(b) In addition to the marking described above, the following inscription shall be placed on the housing protecting the filling line at the tank:

"Cargo having a vapor pressure exceeding \_\_\_\_ pounds per square inch gauge at 115° F. temperature shall not be loaded into this tank.

This inscription may be stenciled on the protective housing or a corrosionresisting plate containing this data may be securely attached thereon. This inscription shall be legible at all times.\*

§ 38.2-1 Valves and accessories-TB/ALL. (a) All connections to tanks shall have approved shut-off valves located as close to the tank as practicable, except safety relief connections and gauging devices.

(b) Excess flow valves where required by these regulations shall be designed to close automatically and shut off the gas or liquid flow in case:

(1) The flow through the valve exceeds a predetermined rate, which flow must be less than the pipe line capacity to and from such excess flow valve.

(2) The pressure on the inlet side of excess flow valve exceeds by a certain designed number of pounds per sq. in. the pressure in pounds on the outlet of such valve.

(c) Excess flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening to allow equalization of pressure.

(d) Excess flow and back-pressure check valves where required by these regulations, shall be located on the inside of the tank or at a point outside where the line enters the tank; in the latter case, installations shall be made in such manner that any undue strain beyond the excess flow or back-pressure check valve will not cause breakage between the tank and such valve.\*

§ 38.2-2 Installations excess flow and back-pressure check valves-TB/ALL. (a) Discharge outlets shall be provided with an approved automatic excess flow valve.

(b) Filling connections shall be provided with an approved back-pressure check valve.

(c) All other connections to tanks except safety relief valve and gauging devices described in § 38.5-1 (c), shall be equipped with approved automatic excess flow valves.\*

§ 38.3-1 Piping and fittings-TB/ALL. (a) All pipe connections shall be confined to the smallest area practicable and shall be located at highest practicable points on the tank.

(b) Each tank shall have all valves, fittings, accessories, safety devices, gauging devices and the like suitably protected against mechanical damage.

(c) Valves, regulating, gauging, and other tank accessory equipment on unmanned barges shall be protected against tampering.

(d) All tank inlets and outlets, except relief valves and gauging devices, shall be marked to designate whether they communicate with vapor or liquid space."

§ 38.4-1 Safety devices-TB/ALL. (a) Every tank shall be provided with one or more approved relief valves of spring-loaded type. These valves shall be arranged to discharge into a ventheader system.

(b) Relief valves shall be set to open at a pressure not in excess of the maximum safe working pressure, and their discharge areas shall be not less than those shown in the following Table 1:

TABLE 1.—Required sizes of relief valves for cargo tanks

[Note: D=Outside diameter of tank in feet and fractions thereof, U=overall length of tank in feet and fractions thereof]

|  | Minir          | num requir                | ed relief vs<br>(square |                 | free dische     | arge area       |
|--|----------------|---------------------------|-------------------------|-----------------|-----------------|-----------------|
|  | 80 lb.<br>min. | 100 lb.<br>min.           | 125 lb.<br>min.         | 150 lb.<br>min. | 175 lb.<br>min, | 200 lb.<br>min. |
| Where (D × U): Does not exceed 60.         | 1, 90          | 1, 57                     | 1. 25                   | 1.06            | 0, 94           | 0.00            |
| Is greater than 60 but not more than 80    | 2, 50          | 2.06                      | 1. 68                   | 1.43            | 1, 25           | 0.83            |
| Is greater than 80 but not more than 100   | 3, 15          | 2.60                      | 2. 13                   | 1. 81           | 1, 58           | 1, 40           |
| Is greater than 100 but not more than 120  |                | 3. 14                     | 2.48                    | 2, 10           | 1. 87           | 1, 65           |
| Is greater than 120 but not more than 140  | 4, 45          | 3. 68                     | 2, 90                   | 2, 46           | 2.15            | 1.90            |
| Is greater than 140 but not more than 160  | 5, 10          | 4. 21                     | 3, 33                   | 2, 83           | 2, 43           | 2, 15           |
| Is greater than 160 but not more than 180  | 5. 80          | 4.79                      | 3, 55                   | 3, 09           | 2,72            | 2, 40           |
| Is greater than 180 but not more than 200  | 6.05           | 5, 00                     | 3.77                    | 3, 20           | 2.83            | 2, 50           |
| Is greater than 200 but not more than 220  | 6, 30          | 5. 21                     | 3. 93                   | 3. 33           | 2.94            | 2.60            |
| Is greater than 220 but not more than 240  | 6. 55          | 5. 41                     | 4.09                    | 3.47            | 3.06            | 2.70            |
| Is greater than 240 but not more than 260  | 6.80           | 5, 62                     | 4. 25                   | 3. 61           | 3. 17           | 2, 80           |
| Is greater than 260 but not more than 280  | 7, 05          | 5, 82                     | 4.41                    | 3.74            | 3. 28           | 2.90            |
| Is greater than 280 but not more than 300  | 7.30           | 6, 03                     | 4. 57                   | 3.88            | 3. 40           | 3.00            |
| Is greater than 300 but not more than 320  | 7.55<br>7.80   | 6. 24                     | 4. 73                   | 4.02            | 3. 51           | 3. 10           |
| Is greater than 320 but not more than 340  | 8, 05          | 6, 44                     | 4. 89<br>5. 05          | 4. 15           | 3.62            | 3, 20           |
| Is greater than 360 but not more than 380  | 8, 30          | 6. 86                     | 5. 21                   | 4. 28           | 3. 74           | 3, 30           |
| Is greater than 380 but not more than 400. | 8, 55          | 7, 06                     | 5. 31                   | 4, 55           | 3, 96           | 3, 50           |
| Is greater than 400 but not more than 420  | 8, 80          | 7, 27                     | 5. 53                   | 4.70            | 4.08            | 3, 60           |
| Is greater than 420 but not more than 440  | 9, 05          | 7, 48                     | 5, 69                   | 4.83            | 4. 19           | 3, 70           |
| Is greater than 440 but not more than 460  | 9, 30          | 7, 68                     | 5, 85                   | 4.97            | 4, 30           | 3, 80           |
| Is greater than 460 but not more than 480  | 9. 55          | 7.89                      | 6.01                    | 5. 10           | 4.41            | 3, 90           |
| Is greater than 480 but not more than 500  | 9, 80          | 8. 10                     | 6.17                    | 5. 23           | 4.52            | 4,00            |
| Is greater than 500 but not more than 520  | 10.05          | 8.30                      | 6. 33                   | 5, 37           | 4.64            | 4. 10           |
| Is greater than 520 but not more than 540  | 10.30          | 8, 51                     | 6, 49                   | 5. 50           | 4.75            | 4. 20           |
| Is greater than 540 but not more than 560  | 10.55          | 8.72                      | 6.65                    | 5.65            | 4.87            | 4.30            |
| Is greater than 560 but not more than 580  | 10.80          |                           | 6, 83                   | 5.79            | 4. 97           | 4, 40           |
| Is greater than 580 but not more than 600  | 11. 05         |                           | 6. 98                   | 5, 92           | 5.09            | 4, 50           |
| Is greater than 600 but not more than 620  | 11.30          | 9. 35                     | 7. 15                   | 6.05            | 5. 19           | 4.60            |
| Is greater than 620                        | hy Bur         | lculated us<br>eau of Exp | locitos N               | ly s lormu      | ia as pro       | t coos E        |
| Charles and the second second second       | (t) inst       | ead of 1,200              | o F                     | OW TOEK C       | rity, using     | 1,000 F.        |
|  | 1111111        | 21100                     |                         |                 |                 |                 |

 ${}^{1}A = \frac{[(B \times 3.1416 \times U) + 2E] \times C \times (t_{1} - t_{2})}{L \times P \times 50} \sqrt{\left(\frac{W_{1}}{W_{1}}\right)}$ 

Where A=area of safety valve: sq. in.

B=the diameter of the inside wall of insulation in feet=the outside diameter of metal container.

U=the length of the container in feet.

E=the area of end of container in square feet; under certain conditions the area of one or both ends may be omitted, depending on the probability of exposure to the temperatures for which the relief dimensions of the valve are calculated.

C=the heat transfer in B. T. U. per square foot per hour per degree Fahr, temperature difference between the temperature at the outside of the insulation and the temperature of the contents of the container when at the pressure at which the safety valve is set to open.

t=the temperature in degrees Fahr, at outside surface of insulation=1,000 degrees.

t=the temperature in degrees Fahr, of contents of container when at the pressure at which the safety valve is set to open.

W=the density of steam in pounds per cubic foot at pressure P.

W=the density of gas vapor in pounds per cubic foot at pressure P.

N=the lift of the valve in inches=0.05.

P=the absolute pressure in pounds per square inch.

N=the lift of the valve in inches=0.05.
 P=the absolute pressure in pounds per square inch.
 P-14.7=the gauge pressure at which the safety valve is set to open.
 L=the latent heat of vaporization of the liquid portion of the gas in B. T. U. per pound in weight at the pressure P.

(c) Relief valves shall have direct communication with the vapor space of the loaded tank. No shut-off valve shall be installed between the tank and relief valve, except that manifolds for mounting multiple relief valves may be fitted with approved interlocking shut-off cocks or valves so arranged as to afford, at all times, the full required capacity flow thru the relief valves not shut off.

(d) Each tank relief valve shall be plainly and permanently marked with name or trade mark of manufacturer, the pressure in pounds per sq. in. gauge at which the valve is set to start to discharge, and the actual free discharge area in sq. in. of the valve at its full open position.\*

§ 38.5-1 Liquid level gauging devices-TB/ALL. (a) Approved gauging devices shall be employed on all tanks to indicate the maximum level to which the tanks may be filled with liquid at temperatures between 20° F. and 130° F.

(b) Visible type gauge glass shall not be permitted.

- (c) Gauging devices of the rotary tube, fixed tube, slip tube, or magnetic type, may be used without installation of an excess flow valve provided the bleed valve opening is not larger than a No. 54 drill size.
- (d) The term "fixed tube gauging device" is applied to a permanently attached tube extending into a tank a predetermined distance for the purpose of indicating the maximum level to which the tank may be filled. The tube shall be installed in the center of the tank top and its length shall be measured by the ullage required for the maximum permitted filling density based on the volume of product at 40° F. for unlagged tanks and at 50° F. on lagged tanks.
- (e) Each cargo tank shall be provided with a reliable pressure gauge and thermometer well. The gauge shall be located at the highest practicable point.
- (f) Gauging devices and drawings covering their installation and arrange-

ment shall be submitted to the Director for approval.\*

§ 38.6-1 Hose specification—TB/ALL. Cargo hose, when carried on tank vessels, shall be of a grade suitable for liquefied petroleum gas service and designed for a bursting pressure of not less than five times the maximum safe working pressure of the cargo tank to which it is to be connected. Before being placed in service each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically to a pressure of not less than double the safe working pressure.\*

§ 38.7-1 Filling densities—TB/ALL. (a) The "filling density" is defined as the percent ratio of the weight of the gas in a tank to the weight of water the tank will hold at 60° F. The filling densities shall not exceed the ratios indicated in the following table:

|   | Maximum<br>filling  | permitted<br>lensity  |
|---|---|---|
| Specific gravity at 60° F.  | Unlagged tanks  | Lagged tanks  |
| 0. 369-0. 398<br>. 399 425<br>. 426 440<br>. 441 452<br>. 453 462<br>. 463 472<br>. 473 480<br>. 481 488<br>. 489 503<br>. 504 510<br>. 511 510<br>. 520 527<br>. 528 536<br>. 537 544<br>. 545 552<br>. 553 660<br>. 561 568<br>. 569 576<br>. 577 584<br>. 585 592<br>. 593 600 | Percent 32 33 34 35 36 36 37 38 39 40 41 42 43 44 45 46 47 48 50 51 52 53 | Percent 35, 35, 36, 41, 542, 543, 544, 45, 544, 45, 544, 48, 49, 50, 51, 52, 53, 55, 56, 56, 56, 56, 56, 56, 56, 56, 56 |
| 601- 608<br>609- 617<br>618- 628<br>627- 634  | 54<br>55<br>56<br>57  | 57<br>58<br>59<br>60  |

- (b) The liquid portion of the gas in an unlagged tank shall not completely fill the tank at 130° F. and in the case of lagged tank 105° F.\*
- § 38.8-1 Installation TB/ALL. (a) Cargo tanks shall be independent of the hull and installed with a clearance of not less than 24 inches from the vessel's sides and not less than 15 inches from the vessel's bottom. Where more than one tank is installed in a vessel, the distance between such tanks shall be not less than 15 inches.
- (b) In addition to being located in hold spaces or in other cargo tanks, independent tanks built in accordance with the provisions of these regulations may also be installed "on deck" or "under deck" with a part of the tank protruding above deck. On installations where a portion of the tank extends above the deck level. provisions shall be made to maintain the weather tightness of the deck.
- (c) Independent tanks that are lagged shall have such lagging protected against

mechanical damage and the weather by sheet metal coverings.

- (d) The vessel's sides shall be provided with suitable guards as an added precaution against the cargo tanks becoming damaged as a result of collision.
- (e) Each cargo tank shall be grounded by metallically connecting it to the vessel's hull structure. Where the vessel's cargo tanks are insulated from the hull structure they shall be electrically bonded together with stranded copper cable of not less than No. 4 B&S gauge and one end of this cable shall be grounded to the hull structure.

§ 38.9-1 Venting—TB/ALL. Each relief valve installed on a cargo tank, certificated for the stowage of liquefied inflammable gas, shall be connected to a branch vent of a venting system which shall discharge at a reasonable height, or heights, above the weather deck or the top of any tank or house located above the weather deck. The capacity of branch vents or vent headers shall depend upon number of cargo tanks connected to such branch or header and upon their total required relief valve discharge areas as provided for in the following table:

| Number of cargo tanks | Percent of<br>total required<br>discharge area |
|-----------------------|--|
| 1 or 2                | Percent 100                                    |
| 3                     | 90<br>80<br>70<br>60                           |
| 6 or more             | 60   |

The vent outlet shall be constructed so that the discharge of gas will be directed vertically upward. Mushroom or gooseneck outlets are prohibited. The vent outlet shall be protected against entrance of rain or snow by some means such as a loosely fitting rain cap. No valve of any type shall be fitted in the vent pipe between the relief valve and the vent outlet. Vents and headers shall be so installed as to prevent stresses on relief valve mountings.\*

§ 38.10-1 Periodic test—TB/ALL. Each tank shall be subjected at least once every four (4) years to a hydrostatic test equal to one and one-half times the safe working pressure allowed. The date of the most recent test shall be noted on the certificate of inspection.\*

§ 38.11-1 Certificate of inspection— TB/ALL. Certificate of inspection shall be endorsed for the carriage of liquefied inflammable gases as follows:

Inspected and approved for the carriage of liquefied inflammable gases having vapor pressures not exceeding \_\_\_\_\_ lbs. per sq. in. gauge at 115° F.

§ 38.12-1 Electrical bonding— TB/ALL. The tank vessel shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.\*

SUBCHAPTER F-BOILERS AND APPURTE-NANCES

PART 51-BOILER CODE: MATERIALS

Paragraph (a) of § 51.20-1 Materials and purposes was amended by deleting the second undesignated paragraph and substituting the following in its stead:

Grade B for pressure containing parts of valves and pipe fittings, also boiler mountings, expansion joints, and similar appliances which are subjected to steam pressures up to 300 pounds or temperatures not exceeding 450° F., and for hydraulic or compressed air service at higher pressures where the temperature does not exceed 150° F. (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

PART 52-BOILER CODE: CONSTRUCTION

Section 52.1-14 is amended to read as follows:

§ 52.1-14 Repairs, replacements, or alterations. No repairs, replacements, or alterations, except emergency repairs, etc., shall be made to boilers, pressure vessels, their mountings or internal fittings, safety valves, piping systems, or pressure appliances without advance approval by the local inspectors. In the case of vessels built subsequent to the adoption of these rules, repairs, replacements, or alterations shall so far as practicable be made with materials and in the manner specified for new construction. Boilers built and installed prior to the adoption of these rules may be repaired with materials and in the manner specified for new construction in the rules existing at the time the boilers were built, except that the use of cast iron valves, mountings or attachments for repairs, replacements, or alterations on existing boilers and steam lines operating at pressures exceeding 30 pounds per square inch are prohibited. Emergency repairs, replacements, or alterations shall be reported as soon as practicable to the local inspectors in the first local inspection district where the vessel may call after such repairs are made. (R.S. 4405, 4417a, 4418, 4433, as amended: 46 U.S.C. 375, 391a, 392, 411)

Section 52.11-4 (a) is amended to read as follows:

§ 52.11-4 Detail requirements. (a) The minimum allowable thickness of furnaces shall be five-sixteenths inch, and the maximum allowable thickness thirteensixteenths inch. (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

Section 52.11-4 (c) is amended to read

(c) The thickness of corrugated and ribbed furnaces shall be ascertained by actual measurements taken by a duly authorized inspector. Such furnaces shall

be drilled by the manufacturer for a \(^3\eta\)-inch pipe tap and fitted with a screw plug which can be removed by the inspector when taking measurements, the plug to be located as follows:

For Leeds, Morison, Deighton, Fox and Brown types of furnaces: At the crest of the waterside corrugation, not less than four corrugations from either end.

For Purvis ribbed furnaces: At the center of the second flat from either end.

Furnaces shall be installed so that the test plug is located at the bottom. (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

Section 52.14-1 is amended by changing the present paragraphs (c), (d), and (e) to (d), (e), and (f), respectively, and by inserting a new paragraph (c) reading as follows:

§ 52.14-1 Definitions.

(c) Pressure loaded pilot actuated safety valve is one which is held in the closed position by steam pressure and controlled in operation by a pilot actuator valve. (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

Section 52.14-2 (d) is amended to read as follows:

§ 52.14-2 Design, material, and work-manship.

(d) Lever or weighted safety valves now installed may be continued in use and may be repaired, but, when renewals are necessary, lever or weighted safety valves shall not be used. (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411.)

Section 52.14-2 is further amended by the deletion of paragraph (f) and the relettering of the paragraph (g) to (f). (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411.)

Section 52.14-3 is amended to read as follows:

§ 52.14-3 Computations. (a) The minimum size of safety valves required for any boiler shall be based upon their actual relieving capacity in pounds of steam per hour, but in no case shall the inlet diameter be less than 1½ inches or more than 4½ inches.

(b) The total relieving capacity of the safety valves shall be such as not to permit the pressure in the boiler to rise more than six percent above the safe working pressure allowed, nor shall the combined relieving capacity of the safety valves, as certified to by the safety valve manufacturer, be less than the maximum capacity of the boiler as certified to by the boiler manufacturer. The boiler manufacturer shall certify the normal as well as the maximum generating capacity of the boiler. In the absence of such certification the maximum generating capacity of the boiler shall be determined by the formula:

wherein E-total evaporation of boiler, in pounds of steam per hour.

H=total steam generating surface of boiler, in square feet.

C=14 for water-tube boilers, using oil or pulverized coal as fuel. C=11 for fire-tube boilers, using oil

or pulverized coal as fuel.

C=8 for water-tube boilers, using coal as fuel.

C=6 for fire-tube boilers, using coal

(c) The approval of safety valve installations by the Local Inspectors shall. whenever practicable, be based upon an actual demonstration of the relieving capacity of the valves after installation on

(d) On boilers which are not fitted with superheaters, an accumulation test shall be made by shutting off the steam outlets from the boiler, except such as may be necessary to operate the boiler. The fires shall be forced to the maximum capacity for a period of fifteen minutes for fire-tube boilers and seven minutes for water-tube boilers. During this test period, the steam pressure shall not at any time rise more than six percent above the maximum allowable working pressure.

(e) In place of the accumulation test on boilers fitted with superheaters which may be subject to damage through such test, satisfactory evidence shall be furnished by the boiler manufacturer showing the maximum generating capacity of the boiler, or the capacity shall be calculated in accordance with paragraph (b) of this section.

(f) The total capacity of safety valve installation as guaranteed by the manufacturer, exclusive of the superheater safety valves, shall be not less than the manufacturer's guaranteed maximum generating capacity of the boiler, or the calculated capacity as provided for in paragraph (b) of this section.

(g) Safety valves shall be set to relieve at a pressure not in excess of the maximum working pressure allowed by the certificate of inspection, and, where this for any reason is lower than the pressure for which the boiler and the safety valves were originally designed, an accumulation test, except as provided in paragraph (e) of this section, shall be made to insure that the relieving capacity of the safety valves is sufficient for the lower pressure.

(h) Safety valves certified in accordance with the requirements of paragraph (b) of this section shall be accepted as to type, provided they have the same flow characteristics and dimensions of orifice. Individual tests will not be necessary if the design and setting adjustments remain unchanged.

(i) In the event the maximum steam generating capacity of the boiler is increased by any means, the relieving capacity of the safety valves shall be checked, and increased if found necessary. (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

Section 52.15-2, paragraph (e), is amended to read as follows:

§ 52.15-2 Materials and workmanship.

(e) The use of cast iron for mountings, fitting, valves, or cocks attached directly to boilers operating at pressures exceeding 30 pounds per square inch is prohibited. (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a. 392, 411)

PART 54-BOILER CODE: INSPECTION

Section 54.18-5, paragraph (a), is amended to read as follows:

§ 54.18-5 Inspection of mountings and attachments-(a) Examination of boiler stop valves and mountings. It shall be the duty of the local inspectors to require all valves on boilers to be opened up every four years at the time of annual inspection or at the next regular drydocking period thereafter. All valves shall be removed from the boiler at least once in every eight years to determine the condition of the stud bolts connecting the valves to the boiler. These examinations may be made at intermediate periods if there is any evidence to indicate that defects have started or excessive corrosion is existent. A record of the inspection of the valves shall be made on Form 840-B, and a notation made on the certificate of inspection, this notation to be carried on each certificate until the next period for the regular examination arrives. (R.S. 4405, 4417a, 4418, 4421, 4430, 4433, as amended; 46 U.S.C. 375, 391a, 392, 399,

Section 54.18-12 is amended to read as follows:

§ 54.18-12 Unfired pressure vessels. (a) (1) After the Local Inspectors have satisfied themselves that a new unfired pressure vessel, as defined in section 52.1-1, is of suitable design, is constructed in all other respects in conformity with the rules of this subchapter, and withstands the tests prescribed, they shall, where space will permit, cause such pressure vessel to be stamped on the head with the manufacturer's name and also the following inscription, which must be legible. Where there is insufficient space on the head to make such stamping, a name plate having the following lettering may be substituted or it may be stamped on some other part of the vessel.

| *   | *   | :   | P   | V<br>* |            |     | N   | 0 5 | *   | :: |
|-----|-----|-----|-----|--------|------------|-----|-----|-----|-----|----|
| HTT | TSP | *** | *** |        | LBS<br>S L | MTL | CL. |     | R · |    |

NOTES:

\*\*\*PV -WLD, BRZ, or RIV Pressure

Vessel.

—BMIN number assigned to NO\*\*\* pressure vessel.

—Shell thickness in inches. ST\*\*\*

SD\*\* Shell diameter in inches. HT. - Head thickness in inches.

-Head radius in inches. TS\*\*\*\* — Tensile strength of material in pounds.

MTL - Material. CL\* - Class of material. - Grade of material.

TP \*\*\* LBS - Test pressure in pounds per square inch.

LBS—Safe working pressure in pounds per square inch.

\*\*\*- U. S. Inspector, BMIN symbol, and initials of inspec-USI

\*\* \*\* - Month, day, and year tested. (2) Thereafter such unfired pressure vessels shall be tested and examined bien-

nially as follows:

(b) Pressure vessels which are equipped with manholes or inspection openings so that they can be satisfactorily examined internally, shall be opened up biennially at the regularly inspection and thoroughly examined internally and externally.

(c) Pressure vessels which neither manholes or inspection openings and cannot be satisfactorily examined, shall be tested biennially at the regular inspection to a hydrostatic test equal to one and one-quarter times the maximum allowable working pressure. (R. S. 4405, 4417, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391, 391a, 392, 411)

PART 55-BOILER CODE: PIPING SYSTEMS

Section 55.19-1 is amended to read as follows:

§ 55.19-1 Scope. Piping, within the meaning of this part, is divided into two classes: Class I piping and Class II piping. (R. S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

Section 55.19-5, paragraph (h), is amended to read as follows:

§ 55.19-5 Installation.

(h) Pipe lines may be run through deep tanks, fuel or settling tanks provided a tunnel is installed. Where a pipe tunnel is installed the watertight integrity of the bulkheads shall be maintained and if the tunnel is not of sufficient size to afford easy access no valves or fittings shall be located therein. Single pipes, other than steam or exhaust lines, not to exceed two in any given tank, may be run through such tanks without using a pipe tunnel where the pipe used is extra heavy and expansion bends are provided. (R. S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

Section 55.19-6 (a) is amended to read as follows:

§ 55.19-6 Class I piping. (a) Scope: Class I piping within the meaning of this part shall include hot-water piping at temperatures exceeding 200° F., oil piping at temperatures exceeding 150° F. regardless of pressure, and all other piping at pressures exceeding 100 lbs. per sq. in. except fire main piping not used for high temperature water for tank cleaning operations. Fire mains which are used for high temperature water for tank cleaning operations shall conform

to the requirements of Class I piping with the exception that stress relieving and testing of welded joints by the radiographic or paramagnetic method will not be required. (R.S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

Section 55.19-8 (e) is amended by changing the descriptive paragraph for Figure P-9 to read as follows:

§ 55.19-8 Flange standards.

Figure P-9: Copper or brass pipe and valves, and fittings of the same material or of bronze alloys, for use in Class I piping service may be joined by the braze-weld method shown in Figure P-9 for steam pressures not exceeding 150 pounds per square inch at temperatures not exceeding 406° F., or for other services at higher pressures at temperatures not exceeding 406° F. The bore of the valve or fitting shall be machined to the depth required for a threaded fitting, leaving a shoulder for the end of the pipe to butt against. An annular groove equal to the depth of the thread for a threaded pipe of the same type and size shall be machined in the wall of the valve or fitting. A preinserted ring of brazing metal having a fusion point of not less than 1,000° F., and of sufficient quantity to twice fill the clearance between the pipe and the wall of the fitting shall be inserted in the groove, after which the pipe shall be placed in the fitting and sufficient heat shall be applied to the outside to melt the brazing metal until it completely fills the clearance between the wall of the fitting and the pipe. To insure a good joint a suitable flux shall be applied to the surfaces to be joined.

(R.S. 4405, 4417a, 4418, 4429, 4433, as amended; 46 U.S.C. 375, 391a, 392, 407, 411)

Section 55.19-11 (a) is amended to read as follows:

§ 55.19-11 Class II piping. (a) Scope: Class II piping within the meaning of this part shall include all piping for pressures and temperatures not requiring Class I piping. (R. S. 4405, 4417a, 4418, 4433, as amended; 46 U.S.C. 375, 391a, 392, 411)

Section 55.19-14 (a) is amended by the deletion of the note thereto and is changed to read as follows:

§ 55.19-14 Fire-extinguishing systems. \* \* (a) All vessels shall be provided with powerful pumps available for use as fire pumps. Passenger vessels of less than 4,000 gross tons shall have 2, and larger passenger vessels at least 3 independently driven pumps connected to the fire main. Cargo vessels and towing vessels of less than 1,000 gross tons shall have 1, and larger cargo or towing vessels at least 2 such pumps so arranged. Each pump shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 lbs. per square inch through nozzles, each having an orifice of not less than % in. diameter where

the internal diameter of the hose exceeds 1½ in. and not less than 5% in. in diameter where the internal diameter of the hose does not exceed 1½ in. (R. S. 4405, 4417a, 4470, 4471, as amended, and 54 Stat. 1023; 46 U.S.C. 375, 391a, 463, 464, 463a)

Section 55.19-14 (b) is amended to read as follows:

(b) On oil-burning passenger vessels, where two or more pumps are required, they all shall not be located in the same compartment. Where the engine and fire rooms are not entirely separated by steel bulkheads, or if fuel oil can drain from the fire room bilges into the engine room, one of the fire pumps shall be located in an accessible space in a separate compartment.

On oil-burning cargo vessels, where two pumps are required, they may be located in the same compartment provided the compartment is equipped with an approved fixed carbon dioxide fire extinguishing system. (R.S. 4405, 4417a, 4470, 4471, as amended, and 54 Stat. 1023; 46 U.S.C. 375, 391a, 463, 464, 463a)

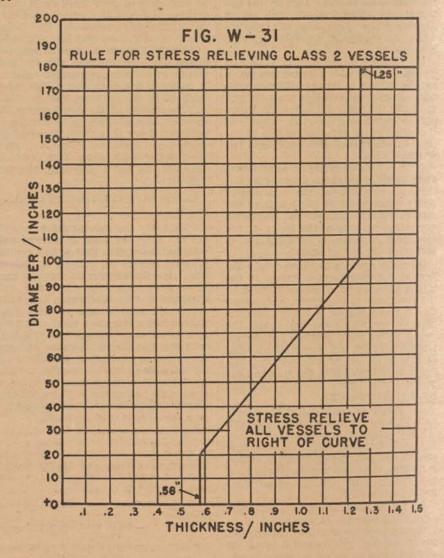
PART 56-BOILER CODE: FUSION WELDING

Section 56.20-13 (b) is amended to read as follows:

§ 56.20-13 Stress relieving.

(b) Class II fusion-welded vessels shall be stress relieved where the thickness exceeds 1½ in., or where both the wall thickness is greater than 0.58 in. and the shell diameter less than 20 in., and for other wall thicknesses and shell diameters where the diameter in inches is less than 120t-50, where t is the thickness in inches. (See Fig. W-31) (R.S. 4405, 4417a, 4418, 4429, 4433, as amended; 46 U.S.C. 375, 391a, 392, 407, 411)

Section 56.20-13 is amended by deleting the present Fig. W-31 and substituting the following Fig. W-31 in its stead:



(R. S. 4405, 4417a, 4418, 4429, 4433, as amended; 46 U.S.C. 375, 391a, 392, 407,

Section 56.20-13 is amended by the deletion of the present paragraph (i) and by the addition of two new paragraphs (i) and (j) reading as follows:

- (i) Nozzles or welded attachments for which stress relief is required, may be locally stress relieved by heating a circular area around the nozzle or attachment provided any part of the welded edge thereof is not less than 12t (t= Thickness of plate) from the nearest adjacent welded joint or other element that would tend to restrict the free expansive movement of the heated area. The outside dimensions of this annular ring tobe heated shall be at least 6t away from the outermost weld but not less than 5 in., and the entire area shall be heated simultaneously.
- (j) All vessels for lethal or noxious gases or lethal or noxious liquids shall be stress relieved. (R.S. 4405, 4417a, 4418, 4429, 4433, as amended: 46 U.S.C. 375. 391a, 392, 407, 411)

SUBCHAPTER G-OCEAN AND COASTWISE: GENERAL RULES AND REGULATIONS

PART 59-BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES (OCEAN)

Section 59.3, paragraphs (g) to (k), inclusive, are deleted and the following substituted in their stead:

§ 59.3 Strength and operation of davits.

(g) No type or make of mechanical or gravity davit shall be used unless it has first been approved by the Board.

- (h) No mechanical davits of a character which require manual or other power to turn the boats out to the position for lowering into the water shall be fitted on any vessel the keel of which is laid after September 1, 1941, if such davits are to handle a lifeboat which, without its complement of persons on board, but having on board all air tanks and other lifeboat equipment, exceeds 5,000 pounds total weight: i. e. 2,500 pounds for a single davit arm. An exemption to this requirement may be granted during the period of the national emergency, preclaimed by the President on May 27, 1941, if evidence is presented to the Bureau to substantiate a claim that compliance with this requirement would materially delay the completion and delivery of the vessel.
- (i) Davits of an approved type, which are capable of swinging the boats into the lowering position without the application of any effort or external force other than that necessary to operate the releasing mechanism, allowing the boat to move from the stowed position to the lowering position by the force of gravity, shall be provided to handle all lifeboats the total weight of which, including air tanks and lifeboat equipment, but without the complement of persons on board, exceeds 5,000 pounds.

(j) Where steel castings are used for davit frames or davit arms this material shall be fully annealed and comply with the following requirements:

(In substantial agreement with A. S. T. M. Spec. A-27-39 and A-215-39T)

Tensile strength minimum psi\_\_\_\_ 66,000 Yield point minimum psi\_\_\_\_ Elongation in 2 inches minimum per Reduction of area minimum per cent\_\_

(In substantial agreement with A. S. T. M. Spec. A-27-39)

(k) Chemical composition for castings not intended to be fusion welded.

Manganese maximum per cent\_\_\_\_\_ 1.00 Phosphorus maximum per cent 0.05 Sulphur maximum per cent 0.06

(In substantial agreement with A. S. T. M. Spec. A-215-39T)

(1) Chemical composition of castings intended to be fabricated by fusion welding.

Carbon max, per cent\_ 
 Manganese max. per cent
 0.70

 Phosphorus max. per cent
 0.05

 Sulphur max. per cent
 0.06
 Silicon max. per cent\_\_\_\_\_

(m) Where structural steel is used for the fabrication of davit frames or davit arms the material shall conform to the following requirements:

(In substantial agreement with A. S. T. M. Spec. A-131-39)

Tensile strength psi\_\_\_\_\_\_ 60,000 to 72,000
Yield point min, psi\_\_\_\_\_\_ 0.5 T. S.
1,600,000 

Elongation in 2 inches min. per cent\_\_

(n) Where welding is employed in the construction of davits, the welders shall be qualified by the Bureau.

(o) All moving parts of davits shall be provided with bushings of nonferrous metal, roller or ball bearings properly lubricated.

- (p) An inspector shall be present at the foundry where castings are made to witness the tensile and bend tests prescribed. The manufacturer shall furnish an affidavit stating that the required tests for annealing have been made. When the inspector has satisfied himself that such castings comply with the requirements, he shall stamp the davit arm and frame with the letters, B. M. I. N., the initials of his name and the letters, F. T., and date of inspection.
- (q) Each davit and frame shall be tested for strength and operation at the place of manufacture in the presence of an inspector.
- (r) All mechanical and gravity davit arms or frames shall be tested at the extreme outboard position by suspending from the eye or end of each davit arm a weight equal to the weight of the fully loaded and equipped boat (including full complement of persons at 165 pounds each) for which the davit is to be approved, plus 10 per cent. Under this test, a davit arm or frame shall show no permanent set or undue deflection. While this test is being conducted, the

frame and arms, if of cast material, shall be subjected to a test by being hammered to satisfy the inspector that the castings are sound and without flaw.

(s) While this test load is suspended, the operating gear of mechanical davits shall be tested by being operated from inboard to the extreme outboard position with the same operating crank or device used in actual practice aboard ship.

- (t) The manufacturer shall affix to the davit arm and frame a heavy plate giving the name of manufacturer, date of inspection, serial number, capacity load, space for the inspector's initials, and the letters B. M. I. N. After the inspector has satisfied himself that the assembled installation meets the requirements. he shall stamp the manufacturer's plates with his initials. Each set of davits shall be marked with identical serial numbers by the manufacturer.
- (u) No davit arm or frame comprising mechanical or gravity davits shall be placed on board any vessel until all of the requirements of the rules of this section have been fully complied with. Whenever mechanical or gravity davits or parts of davits, such as davit arms, or frames, are installed on vessels, to take the place of davits, davit arms, or frames which have become damaged or broken, such davits or frames shall have the manufacturer's name plate affixed thereto. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489).

Section 59.3a is amended to read as follows:

- § 59.3a Mechanical means for lowering. (a) On all passenger vessels where the height of a boat deck exceeds 20 feet from the lightest seagoing draft, wire falls and mechanical means for lowering shall be provided for each set of davits.
- (b) Winches, proposed for use in new installations, shall be of approved type and those which are contracted for on or after January 1, 1942 shall, in addition to conforming to the following requirements, be subjected to the shop test with a 100 per cent overload and opened up for examination prior to Board approval.
- (c) Plans and detail specifications of all lifeboat winches shall be submitted by the manufacturer to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the winches.
- (d) Inspection openings shall be provided in the winch housing or the housing shall be so arranged to permit examination. Screws, bolts, nuts, pins, etc., used in the internal and brake assemblies, shall be fitted with lock washers, cotter pins, or suitable backing stops.
- (e) Worm gears, spur gears, or a combination of both may be used in the construction of the lifeboat winches. All gears shall be machine cut and constructed of steel, bronze, or other suitable materials. The use of cast iron for

gears is not permitted. Gears shall be press-fitted on the shaft, and keys shall

be properly fitted and secured.

(f) Motor clutches, when used, shall be of either frictional or positive engaging type. When one motor is used for two winches, the clutch shall be so arranged that only one winch shall be engaged at any one time. The clutch operating level shall be capable of remaining in any position when subject to vibration, and shall be so arranged that when in neutral position both lifeboats may be lowered simultaneously.

(g) Winch drums for gravity davits shall be designed with grooves so that not more than one layer of the falls winds on the drum. Drums shall be so arranged as to keep the falls separated. The design shall also provide that the falls will be paid-out at the same rate.

(h) Winch drums for mechanical davits shall be designed with a minimum diameter of 16 times the diameter of the

falls.

(i) All drums shall be properly flanged and the falls securely fastened. The use of connecting devices between the drums shall not be permitted unless bolted lock-

ing mechanism is provided.

- (j) Each winch shall be provided with two brakes, one of which shall be a hand brake, the other a governor brake to automatically control the lowering speed of the lifeboat. The hand brake shall be arranged with a lever and counterweight so that when the lever is raised the brake is released and when the lever is lowered the counterweight will set the brake. The governor brake shall be designed so as to insure that the maximum rate of lowering consistent with safety is not exceeded, this, in general, shall not exceed one hundred feet per minute. External brake bands shall be made of corrosive resistant metal suitably lined. Internal brakes may be of the metallic shoe type. The brake drums shall be of steel.
- (k) Bearings, gears, and other working parts shall be designed for and provided with positive means of lubrication. Worm gears shall operate in an oil bath. Means shall be provided so that the oil level in the gear casings may be checked. Manufacturers shall furnish a lubrication chart for each type of winch.
- (1) Winches shall be designed so that they will operate by gravity when lowering. When vessels are fitted with nested lifeboats, special arrangements shall be provided to prevent boat falls from fouling on the drum when they are being recovered and means shall be provided for quick recovery of the falls by hand.

(m) Boat winches shall be provided with means so that the falls may be overhauled by hand. These means must be in addition to hand cranks, and may consist of a hand grab rim on the brake shaft or brake drum.

(n) Where power-driven winches are used with gravity davits, positive means of automatically cutting off the power to the winch shall be fitted to stop the travel of the lifeboat and cradle before reaching final stowed position, to prevent damage to installation.

- (o) Where power-driven winches are used with other type davits, the positive means for controlling power to the winch shall be by a master switch or controller so arranged that the operator must hold the master switch or controller in the "on or hoist" position for hoisting, and when released will immediately shut off the power.
- (p) Every winch shall be fitted with a name plate of noncorrosive material, giving the maximum loads approved, the date the winch was passed, the type, serial number and the manufacturer's symbol. This plate is to be stamped with the inspector's initials, and the letters, "B, M. I. N."
- (q) Suitable covers shall be provided, so fitted that ice formation may be readily broken adrift when necessary to operate the winch.
- (r) Shop test: Each winch shall be subject to the following test:
- (1) Winches shall be set up to simulate a ship installation.
- (2) Winches shall be capable of lowering, without undue strain or distortion, a test weight of 10 per cent overload, based on the weight of the largest boat the winch is intended to handle, together with regular equipment and full number of persons (165 pounds for each person). The number of parts to the fall should be recorded.
- (3) Brake shall be capable of stopping and holding the test weight at any point by the action of the counterweight alone.
- (4) While the weight is being lowered through a range of not less than 20 feet, stops shall be made at intervals of several feet. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.
- (5) Winch must be capable of limiting the speed of lowering. This should not in general exceed 100 feet per minute.
- (s) Installation tests: Upon completion of the installation of all mechanical means for lowering lifeboats, and before the vessel is certificated for service, the following tests and examinations shall be made in the presence of an inspector:
- (1) Swing lifeboat out from chocks and lower to level for loading, at which point lifeboat shall be loaded with dead weight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 per cent of the total load. The boat should then be lowered to water, stopping at approximately 6-foot intervals by action of the counterweight alone. During this test the following observations should also be made:
- (1) Brake action shall be smooth, but positive. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.

- (ii) Counterweight shall be capable of stopping and holding boat when released.
- (iii) Winch shall be capable of centrolling the speed of lowering. This should not in general exceed 100 feet per minute.
- (iv) No part of lowering gear shall show any distress under load.
- (v) Deck under winch and davits must be of sufficient strength to prevent any undue stress of the deck under load.
- (vi) Mechanical davits shall swing to extreme outboard position without slacking winch brake.
- (vii) Action of governor brake and lowering speed permitted by same should be noted.
- (viii) Determine that falls are of sufficient length to lower lifeboats to light load line with vessel listed to 15° either way.
- (2) If nested boats are used, the hand operated quick recovery mechanism shall be tested and the action must be easy enough to permit one man to recover falls.
- (3) A report of the results of the installation tests covering all the above points shall be recorded. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Section 59.15 (m) is amended to read as follows:

§ 59.15 Construction of metallic lifeboats of class 1A.

(m) Gunwales. The dimensions of angular steel gunwales shall be as given in table. The gunwales on each side of the lifeboat shall be in not more than two pieces. If the gunwales are fitted in two lengths, the butts shall be kept beyond the midship half-length of the boat and at opposite ends on each side. The joint may be riveted or welded, and the backing-up piece shall be angular in section of the thickness of the gunwale, and the length shall be not less than eight times the depth of the gunwale. It shall be secured to the sheer strake by riveting or welding. The gunwales may be of clear grain oak or teak. When made in two lengths the gunwales shall be scarphed with a good long bevel scarph stiffened on the under side by a piece of the same material at least 2 feet long, 11/4 inches thick, and of the same width as the gunwale. Fastenings securing the gunwale bar or wooden gunwale to the sheer plate shall be spaced on three-inch centers. The size of gunwales shall be of not less than the following dimensions:

| Length of boat               | Depth of<br>gunwale                            | Width of gunwale                   |
|------------------------------|--|------------------------------------|
| 12 feet and not over 18 feet | Inches<br>176<br>176<br>2<br>214<br>236<br>256 | Inches 216 234 236 236 256 256 234 |

(R.S. 4405, 4488, as amended; 46 U.S.C. 375, 481.)

Section 59.15 (n) is amended to read as follows:

(n) Nosings. The outside of the gunwale angle shall have a nosing of clear grain oak or teak secured to the sheer plate and the gunwale by fastenings spaced on 6 inch centers which fastenings may be substituted for alternate fastenings between the gunwale bar or the wooden gunwale and the sheer strake; the flat side of the nosing on boats not over 20 feet long shall be not less than 11/2 inches wide and 5/8 inch thick; on boats over 20 feet and not over 24 feet it shall be not less than 1% inches wide and 1 inch thick; on all boats over 24 feet, it shall be not less than 21/4 inches wide and 1 inch thick.

Steel gunwales made from steel plates bent to a ½ inch inside radius need not be fitted with nosings. The vertical leg of the gunwale shall be outboard of the sheer strake. (R.S. 4405, 4488, as amended; 46 U.S.C. 375, 481)

Section 59.37 is amended to read as follows:

§ 59.37 Blocks and falls. Blocks and falls installed after January 1, 1942, shall conform to the following requirements:

All blocks, falls, fairloads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of 6, based on the maximum working load.

Where mechanical means for lowering are required, not more than two-part falls shall be used, except in specific cases where three-part falls may be accepted.

where three-part falls may be accepted. Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

Falls shall be of such length that the lifeboat may be lowered to the water at the lightest seagoing draft with the vessel listed to 15°.

Falls shall be in readiness for use at all times. On vessels over 1,000 gross tons, not fitted with mechanical means for lowering, covered tubs, boxes, or reels shall be provided for the stowage of falls, and suitable lowering bitts shall be fitted in easily accessible positions.

Where more than one lifeboat is served by the same set of davits, if the falls are of manila rope, separate falls shall be provided to serve each lifeboat.

Such blocks as are necessary to allow the falls to lead fair in all positions of the davit shall be fitted. Where mechanical means for lowering are provided, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

There shall be ample clearance between the cheeks of blocks in which Manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 3¾ inches in circumference or greater; blocks for smaller ropes shall be designed with clearance in the same proportion.

Means for lubrication shall be provided for all moving parts of blocks. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Part 59 is amended by the addition of a new § 59.68, reading as follows:

§ 59.68 Disengaging apparatus. Disengaging apparatus fitted in lifeboats after January 1, 1942, shall conform to the following requirements.

All disengaging apparatus, regardless of type, shall be designed with a minimum factor of safety of six, based on the maximum working load.

No type of releasing gear shall be used unless it has first been approved by the Board.

Plans and specifications of all designs of releasing gear shall be submitted to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the releasing gear.

Simultaneous releasing gears, when installed, shall conform to the following requirements:

(a) They shall be capable of being operated by one person, both ends of the lifeboat disengaging simultaneously.

(b) Means for effecting release of the gear shall be placed in the after end of the lifeboat.

(c) The hooks shall be suitable for instant unhooking of the blocks and falls by hand when the lifeboat is waterborne.

(d) The gear and mechanism for effecting release shall be so arranged and devised as to insure the safety of the lifeboat independent of any "safety pins,"

Where simultaneous releasing gears are not provided, the hooks or other means of attaching the lifeboats to the falls shall be arranged so that the device can be manually controlled by one man at each fall in the lifeboat.

Excluding the emergency boats, not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel,

No part of any releasing gear bearing the weight of the lifeboat shall be constructed of cast iron.

Such parts of the gear as would otherwise have a tendency to set fast by rust or corrosion shall be of corrosive resistant metal.

When considered necessary, a test to destruction may be required to determine the ultimate strength of the releasing gear including hooks.

All disengaging apparatus, regardless of type, shall be prominently marked or stamped to show the safe working load for which the gear has been approved. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES (COASTWISE)

Section 60.12 (m) is amended to read as follows:

§ 60.12 Construction of metallic lifeboats of class 1A.

(m) Gunwales. The dimensions of angular steel gunwales shall be as given in table. The gunwales on each side of the lifeboat shall be in not more than two pieces. If the gunwales are fitted in two lengths, the butts shall be kept beyond the midship half length of the boat and at opposite ends on each side. The joint may be riveted or welded, and the backing-up piece shall be angular in section of the thickness of the gunwale. and the length shall be not less than eight times the depth of the gunwale. It shall be secured to the sheer strake by riveting or welding. The gunwales may be of clear grain oak or teak. When made in two lengths the gunwales shall be scarphed with a good long bevel scarph stiffened on the under side by a piece of the same material at least 2 feet long, 11/4 inches thick, and of the same width as the gunwale. Fastenings securing the gunwale bar or wooden gunwale to the sheer plate shall be spaced on three inch centers. The size of gunwales shall be of not less than the following dimensions:

| Length of boat               |   | Width of gunwale               |
|------------------------------|---|--------------------------------|
| 12 feet and not over 18 feet | Inches<br>17/8<br>17/4<br>2<br>24/4<br>23/8<br>25/8 | Inches 234 234 234 234 234 234 |

(R.S. 4405, 4488, as amended; 46 U.S.C. 375, 481)

Section 60.12 (n) is amended to read as follows:

(n) Nosings. The outside of the gunwale angle shall have a nosing of clear grain oak or teak secured to the sheer plate and the gunwale by fastenings spaced on 6 inch centers which fastenings may be substituted for alternate fastenings between the gunwale bar or the wooden gunwale and the sheer strake; the flat side of the nosing on boats not over 20 feet long shall be not less than 11/2 inches wide and 5/8 inch thick; on boats over 20 feet and not over 24 feet it shall be not less than 1 % inches wide and 1 inch thick; on all boats over 24 feet, it shall be not less than 21/4 inches wide and 1 inch thick.

Steel gunwales made from steel plates bent to a ½ inch inside radius need not be fitted with nosing. The vertical leg of the gunwale shall be outboard of the sheer strake. (R.S. 4405, 4488, as amended; 48 U.S.C. 375, 481)

Section 60.19 is amended to read as follows:

§ 60.19 Blocks and falls. Blocks and falls installed after January 1, 1942, shall conform to the following requirements:

All blocks, falls, fairleads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of 6, based on the maximum working load.

Where mechanical means for lowering are required, not more than two-part falls shall be used, except in specific cases where three-part falls may be accepted.

Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

Falls shall be of such length that the lifeboat may be lowered to the water at the lightest seagoing draft with the vessel listed to 15°

Falls shall be in readiness for use at all times. On vessels over 1,000 gross tons, not fitted with mechanical means for lowering, covered tubs, boxes, or reels shall be provided for the stowage of falls, and suitable lowering bitts shall be fitted in easily accessible positions.

Where more than one lifeboat is served by the same set of davits, if the falls are of manila rope, separate falls shall be provided to serve each lifeboat.

Such blocks as are necessary to allow the falls to lead fair in all positions of the davit shall be fitted. Where mechanical means for lowering are provided, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

There shall be ample clearance between the cheeks of blocks in which Manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 334 inches in circumference or greater; blocks for smaller ropes shall be designed with clearance in the same proportion.

Means for lubricating shall be provided for all moving parts of blocks. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Section 60.21 is amended by deleting the last seven undesignated paragraphs and substituting the following in their stead:

§ 60.21 How lifeboats shall be carried; davits and cranes required, - 4

- 16

No type or make of mechanical or gravity davit shall be used unless it has first been approved by the Board. No mechanical davits of a character which require manual or other power to turn the boats out to the position for lowering into the water shall be fitted on any vessel the keel of which is laid after Septem-

ber 1, 1941, if such davits are to handle a lifeboat which, without its complement of persons on board, but having on board all air tanks and other lifeboat equipment, exceeds 5,000 pounds total weight; i. e., 2,500 pounds for a single davit arm. An exemption to this requirement may be granted during the period of the national emergency proclaimed by the President on May 27, 1941, if evidence is presented to the Bureau to substantiate a claim that compliance with this requirement would materially delay the completion and delivery of the vessel.

Davits of an approved type, which are capable of swinging the boats into the lowering position without the application of any effort or external force other than that necessary to operate the releasing mechanism, allowing the boat to move from the stowed position to the lowering position by the force of gravity, shall be provided to handle all lifeboats the total weight of which, including air tanks and lifeboat equipment, but without the complement of persons on board, exceeds 5,000 pounds. Where steel castings are used for davit frames or davit arms this material shall be fully annealed and comply with the following requirements:

### (In substantial agreement with A. S. T. M. Spec. A-27-39 and A-215-39T)

| Tensile strength min. psi            | 66,000 |
|--------------------------------------|--------|
| Yield point min. psi                 | 33,000 |
| Elongation in 2 inches min. per cent | 22     |
| Reduction of area min. per cent      | 33     |

(In substantial agreement with A. S. T. M. Spec. A-27-39)

Chemical composition for castings not intended to be fusion welded.

| Manganese max. per cent  | 1.00 |
|--------------------------|------|
| Phosphorus max. per cent | 0.05 |
| Sulphur max. per cent    | 0.06 |

### (In substantial agreement with A. S. T. M. Spec. A-215-39T)

Chemical composition of castings intended to be fabricated by fusion welding.

| Carbon max. per cent     | 0.30 |
|--------------------------|------|
| Manganese max. per cent  | 0.70 |
| Phosphorus max. per cent | 0.05 |
| Sulphur max. per cent    | 0.06 |
| Silicon max. per cent    | 0.50 |

Where structural steel is used for the fabrication of davit frames or davit arms the material shall conform to the following requirements:

### (In substantial agreement with A. S. T. M. Spec. A-131-39)

| Tensile strength | psi 60,000      | 0 to 72,000 |
|------------------|-----------------|-------------|
|                  | psi             | 0.5 T.S     |
| Elongation in 8  | inches min. per |             |
| cent             |                 | 1, 500, 000 |

Ten. Str. Elongation in 2 inches min. per

Where welding is employed in the construction of davits, the welder shall be qualified by the Bureau.

All moving parts of davits shall be provided with bushings of nonferrous metal, roller or ball bearings properly lubricated.

An inspector shall be present at the foundry where castings are made to witness the tensile and bend tests prescribed. The manufacturer shall furnish an affidavit stating that the required tests for annealing have been made. When the inspector has satisfied himself that such castings comply with the requirements. he shall stamp the davit arm and frame with the letters, B. M. I. N., the initials of his name and the letters, F. T., and date of inspection.

Each davit and frame shall be tested for strength and operation at the place of manufacture in the presence of an inspector.

All mechanical and gravity davit arms or frames shall be tested at the extreme outboard position by suspending from the eye or end of each davit arm a weight equal to the weight of the fully loaded and equipped boat (including full complement of persons at 165 pounds each) for which the davit is to be approved, plus 10 percent. Under this test, a davit arm or frame shall show no permanent set or undue deflection. While this test is being conducted, the frame and arms, if of cast material, shall be subjected to a test by being hammered to satisfy the inspector that the castings are sound and without flaw.

While this test load is suspended, the operating gear of mechanical davits shall be tested by being operated from inboard to the extreme outboard position with the same operating crank or device used in actual practice aboard ship.

The manufacturer shall affix to the davit arm and frame a heavy plate giving the name of manufacturer, date of inspection, serial number, capacity load, space for the inspector's initials, and the letters B. M. I. N. After the inspector has satisfied himself that the assembled installation meets the requirements, he shall stamp the manufacturer's plates with his initials. Each set of davits shall be marked with identical serial numbers by the manufacturer.

No davit arm or frame comprising mechanical or gravity davits shall be placed on board any vessel until all of the requirements of the rules of this section have been fully complied with. Whenever mechanical or gravity davits or parts of davits, such as davit arms, or frames, are installed on vessels to take the place of davits, davit arms, or frames which have become damaged or broken, such davits or frames shall have the manufacturer's name plate affixed thereto. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Section 60,21a is amended to read as

§ 60.21a Mechanical means for lowering. (a) On all passenger vessels where the height of a boat deck exceeds 20 feet from the lightest seagoing draft, wire falls and mechanical means for lowering shall be provided for each set of davits.

(b) Winches, proposed for use in new installations, shall be of approved type and those which are contracted for on or after January 1, 1942, shall, in addition to conforming to the following requirements, be subjected to the shop test with a 100% overload and opened up for examination prior to Board approval.

(c) Plans and detail specifications of all lifeboat winches shall be submitted by the manufacturer to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the

winches.

(d) Inspection openings shall be provided in the winch housing or the housing shall be so arranged to permit examination. Screws, bolts, nuts, pins, etc., used in the internal and brake assemblies, shall be fitted with lock washers, cotter pins, or suitable backing stops.

(e) Worm gears, spur gears, or a combination of both may be used in the construction of the lifeboat winches. All gears shall be machine cut and constructed of steel, bronze, or other suitable materials. The use of cast iron for gears is not permitted. Gears shall be pressfitted on the shaft, and keys shall be

properly fitted and secured.

(f) Motor clutches, when used, shall be of either frictional or positive engaging type. When one motor is used for two winches, the clutch shall be so arranged that only one winch shall be engaged at any one time. The clutch operating lever shall be capable of remaining in any position when subject to vibration, and shall be so arranged that

when in neutral position both lifeboats may be lowered simultaneously.

(g) Winch drums for gravity davits shall be designed with grooves so that not more than one layer of the falls winds on the drum. Drums shall be so arranged as to keep the falls separated. The design shall also provide that the falls will be paid-out at the same rate.

(h) Winch drums for mechanical davits shall be designed with a minimum diameter of 16 times the diameter of

the falls.

(i) All drums shall be properly flanged and the falls securely fastened. The use of connecting devices between the drums shall not be permitted unless bolted locking mechanism is provided.

(j) Each winch shall be provided with two brakes, one of which shall be a hand brake, the other a governor brake to automatically control the lowering speed of the lifeboat. The hand brake shall be arranged with a lever and counterweight so that when the lever is raised the brake is released and when the lever is lowered the counterweight will set the brake. The governor brake shall be designed so as to insure that the maximum rate of lowering consistent with safety is not exceeded, this, in general, shall not exceed one hundred feet per minute. External brake bands shall be made of corrosive resistant metal suitably lined. Internal brakes may be of the metallic shoe type. The brake drums shall be of steel.

(k) Bearings, gears, and other working parts shall be designed for and provided with positive means of lubrication. Worm gears shall operate in an oil bath, Means shall be provided so that the oil level in the gear casings may be checked. Manufacturers shall furnish a lubrication chart for each type of winch.

(1) Winches shall be designed so that they will operate by gravity when lowering. When vessels are fitted with nested lifeboats, special arrangements shall be provided to prevent boat falls from fouling on the drum when they are being recovered and means shall be provided for quick recovery of the falls by hand.

(m) Boat winches shall be provided with means so that the falls may be overhauled by hand. These means must be in addition to hand cranks, and may consist of a hand grab rim on the brake

shaft or brake drum.

(n) Where power-driven winches are used with gravity davits, positive means of automatically cutting off the power to the winch shall be fitted to stop the travel of the lifeboat and cradle before reaching final stowed position, to prevent damage to installation.

(o) Where power-driven winches are used with other type davits, the positive means for controlling power to the winch shall be by a master switch or controller so arranged that the operator must hold the master switch or controller in the "on or hoist" position for hoisting, and when released will immediately shut off the power.

(p) Every winch shall be fitted with a name plate of non-corrosive material, giving the maximum loads approved, the date the winch was passed, the type, serial number, and the manufacturer's symbol. This plate is to be stamped with the inspector's initials, and the letters, B. M. I. N.

- (q) Suitable covers shall be provided, so fitted that ice formation may be readily broken adrift when necessary to operate the winch.
- (r) Shop test; Each winch shall be subject to the following test:
- (1) Winches shall be set up to simulate a ship installation.
- (2) Winches shall be capable of lowering, without undue strain or distortion, a test weight of 10 percent overload, based on the weight of the largest boat the winch is intended to handle, together with regular equipment and full number of persons (165 pounds for each person). The number of parts to the fall should be recorded.
- (3) Brake shall be capable of stopping and holding the test weight at any point by the action of the counterweight alone.
- (4) While the weight is being lowered through a range of not less than 20 feet, stops shall be made at intervals of several feet. Brakes exposed to the weather

shall also be tested under the load lowering condition with the braking surface wetted.

- (5) Winch must be capable of limiting the speed of lowering. This should not in general exceed 100 feet per minute.
- (s) Installation tests: Upon completion of the installation of all mechanical means for lowering lifeboats, and before the vessel is certificated for service, the following tests and examinations shall be made in the presence of an inspector:
- (1) Swing lifeboat out from chocks and lower to level for loading, at which point lifeboat shall be loaded with dead weight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 per cent of the total load. The boat should then be lowered to water, stopping at approximately 6-foot intervals by action of the counterweight alone. During this test the following observations should also be made:
- (i) Brake action shall be smooth, but positive. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.
- (ii) Counterweight shall be capable of stopping and holding boat when released.
- (iii) Winch shall be capable of controlling the speed of lowering. This should not in general exceed 100 feet per minute.
- (iv) No part of lowering gear shall show any distress under load.
- (v) Deck under winch and davits must be of sufficient strength to prevent any undue stress of the deck under load.
- (vi) Mechanical davits shall swing to extreme outboard position without slacking winch brake.
- (vii) Action of governor brake and lowering speed permitted by same should be noted.
- (viii) Determine that falls are of sufficient length to lower lifeboats to light load line with vessel listed to 15° either way.
- (2) If nested boats are used, the hand operated quick recovery mechanism shall be tested and the action must be easy enough to permit one man to recover falls.
- (3) A report of the results of the installation tests covering all the above points shall be recorded. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Part 60 is amended by the addition of a new § 60.61 reading as follows:

§ 60.61 Disengaging apparatus. Disengaging apparatus fitted in lifeboats after January 1, 1942, shall conform to the following requirements.

All disengaging apparatus regardless of type, shall be designed with a minimum factor of safety of six, based on the maximum working load. No type of releasing gear shall be used unless it has first been approved by the Board

Plans and specifications of all designs of releasing gear shall be submitted to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the releasing gear.

Simultaneous releasing gears, when installed, shall conform to the following requirements:

(a) They shall be capable of being operated by one person, both ends of the lifeboat disengaging simultaneously.

(b) Means for effecting release of the gear shall be placed in the after end of the lifeboat.

(c) The hooks shall be suitable for instant unhooking of the blocks and falls by hand when the lifeboat is waterborne.

(d) The gear and mechanism for effecting release shall be so arranged and devised as to insure the safety of the lifeboat independent of any "safety pins".

Where simultaneous releasing gears are not provided, the hooks or other means of attaching the lifeboats to the falls shall be arranged so that the device can be manually controlled by one man at each fall in the lifeboat.

Excluding the emergency boats, not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel.

No part of any releasing gear bearing the weight of the lifeboat shall be constructed of cast iron.

Such parts of the gear as would otherwise have a tendency to set fast by rust or corrosion shall be of corrosive resistant metal.

When considered necessary, a test to destruction may be required to determine the ultimate strength of the releasing gear including hooks.

All disengaging apparatus, regardless of type, shall be prominently marked or stamped to show the safe working load for which the gear has been approved. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

PART 61-FIRE APPARATUS: FIRE PREVENTION

Section 61.10 is amended to read as follows:

§ 61.10 "Doctor." Any steamer of 50 gross tons or under, required to have a double-acting steam fire pump, and having in use on board a "doctor," so-called, may be considered as having a lawful equivalent for such a pump when such "doctor" has pipes attached to it leading to the upper and between decks, such pipes being provided with hose and valves, according to law; but the pipes and hose shall in no case be less than 11/2 inches in internal diameter. The pumps for supplying the boilers shall in no case be considered as an equivalent for the double-acting steam fire pump, on steamers above 50 gross tons. (R.S. 4405, 4471, as amended, 54 Stat. 1023; | 46 U.S.C. 375, 464, 463a)

PART 62—LICENSED OFFICERS AND CERTIFI-CATED MEN

Section 62.4, second undesignated paragraph, is amended to read as follows:

§ 62.4 Professional examination.

No applicant for a license, who is a naturalized citizen, and who has obtained his experience on foreign vessels, shall be given a grade of license higher than that upon which he has actually served while acting under the authority of a foreign license. (R.S. 4405, 4426, 4438, 4439, 4440, 4441, 4442, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 226, 228, 229, 214, 46 U.S.C. Sup. 367)

Section 62.9, second undesignated paragraph, is amended to read as follows:

§ 62.9 Renewal of licenses.

Whenever an officer shall apply for renewal of his license for same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the local inspectors be sufficient to adequately demonstrate the continued professional knowledge of the examinee. The renewed license shall receive the next higher number for number of issue of present grade and for number of issue of all grades. (R.S. 4405, 4439, 4440, 4441, 4442, 4447, as amended; 46 U.S.C. 375, 226, 228, 229, 214, 233.)

Section 62.26 is amended to read as follows:

§ 62.26 Flashing the rays of a search-light or other blinding light. Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of section 4450 R.S., as amended, looking to the revocation or suspension of his license or certificate. (R.S. 4405, 4412, as amended, sec. 2 of 30 Stat. 102, 38 Stat. 381; 46 U.S.C. 375, 381, 33 U.S.C. 157)

Section 62.39 is amended by the addition of a new paragraph (i) reading as follows:

§ 62.39 Third mate of ocean steam or motor vessels.

(i) Any person who has completed the U. S. Maritime Commission's course of training as a cadet (Deck) and has during the course of such training served one year and 10 months in an ocean or coastwise vessel and one year and two months at a U. S. Maritime Commission Cadet School or locations used by the U. S. Maritime Commission for supplementary special training will be permit-

ted to sit for examination for a license as Third Mate of ocean vessels. (R.S. 4405, 4438, 4440, as amended; 46 U.S.C. 375, 224, 228)

Section 62.44 is amended by the addition of a new paragraph (i) reading as follows:

§ 62.44 Third mate of coastwise steam or motor vessels.

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(i) Any person who has completed the U. S. Maritime Commission's course of training as a cadet (Deck) and has during the course of such training served one year and 10 months in an ocean or coastwise vessel and one year and two months at a U. S. Maritime Commission Cadet School or locations used by the U. S. Maritime Commission for supplementary special training will be permitted to sit for examination for a license as Third Mate of coastwise vessels. (R.S. 4405, 4438, 4440, as amended; 46 U.S.C. 375, 224, 228)

Section 62.49, first paragraph, is amended to read as follows:

§ 62.49 Qualifications required for license as engineer of steam vessels and license forms required. No person shall receive an original license as engineer or assistant engineer of steam vessels (except for license as engineer of sawmill boats and pile drivers propelled by steam, and except for special license as engineer of a steam vessel of any kind of 10 gross tons or under on which a licensed engineer is required) who has not served at least 36 months in the engineers' department of a steam vessel, except as hereinafter provided. (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 62.50 is amended by the addition of a new paragraph (f) reading as follows:

§ 62.50 Chief engineer of ocean steam vessels.

(f) Eighteen months' service as chief engineer of steam vessels on Great Lakes, Bays, Sounds, and Lakes Other Than the Great Lakes, and Rivers, except ferry vessels, together with six months' service as oiler or watertender, or combined service of both, on ocean or coastwise steam vessels for license as chief engineer of appropriate tonnage. (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 62.51 is amended by relettering paragraphs (c), (d), and (e) to (d), (e), and (f), respectively, and by the insertion of the following new paragraph (c):

§ 62.51 First assistant engineer of ocean steam vessels.

(c) Eighteen months' service as first assistant engineer of steam vessels on Great Lakes, Bays, Sounds, and Lakes Other Than the Great Lakes, and Rivers, except ferry vessels, together with six months' service as oiler or watertender,

or combined service of both, on ocean or coastwise steam vessels for a license as first assistant engineer of appropriate tonnage; or (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 62.52 (b) is amended to read as follows:

§ 62.52 Second assistant engineer of ocean steam vessels.

(b) Three years' service as second assistant engineer of Great Lakes and all other lake, bay, sound, or river steam vessels, except ferry vessels, for license as second assistant engineer of appropriate tonnage; or, (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 62.52 is amended by relettering paragraphs (c), (d), (e), and (f) to (d), (e), (f), and (g), respectively, and the insertion of the following new paragraph (c):

(c) Eighteen months' service as second assistant engineer of steam vessels on Great Lakes, Bays, Sounds, and Lakes Other Than the Great Lakes, and Rivers, except ferry vessels, together with six months' service as oiler or watertender, or combined service of both, on ocean or coastwise steam vessels for license as second assistant engineer of appropriate tonnage; or (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 62.53 (c) is amended to read as follows:

§ 62.53 Third assistant engineer of ocean steam vessels.

(c) Three years' service as licensed engineer of steam vessels, on Great Lakes, bays, sounds and rivers, for license of appropriate tonnage; or (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 62.53 (d) is amended to read as follows:

(d) One year's service as licensed engineer of steam vessels on Great Lakes, Bays, Sounds, and Lakes Other Than the Great Lakes, and Rivers, together with six months' service in the engine department of ocean or coastwise steam vessels for a license of appropriate tonnage; or (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 62.53, is amended by the addition of a new paragraph (h) reading as follows:

(h) Any person who has completed the U. S. Maritime Commission's course of training as cadet (Engineer) and has during the course of such training served one year and 10 months in an ocean or coastwise steam vessel and one year and two months at a U. S. Maritime Commission Cadet School or locations used by the U. S. Maritime Commission for supplementary special training will be permitted to sit for examination for a license as Third Assistant Engineer of

ocean and coastwise steam vessels. (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229.)

Section 62.54, second undesignated paragraph, is amended to read as follows:

§ 62.54 Engineers of motor vessels.

No person shall receive an original license as engineer of motor vessels who has not served at least 36 months in the engine department of a motor vessel, except as hereinafter provided. (R.S. 4405, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 229, 46 U.S.C., Sup. 367.)

Section 62.56 is amended by the addition of a new paragraph (h) reading as follows:

§ 62.56 License as first assistant engineer of motor vessels.

(h) Any person holding a license as first assistant engineer of steam vessels who has served six months as oiler in the engine department of motor vessels; or has been employed for not less than three months in the construction or installation of marine motor engines, together with three months' service as oiler in the engine department of motor vessels. (R.S. 4405, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C., 375, 404, 224, 229, Sup. 367)

Section 62.58, paragraph (g) is amended to read as follows:

§ 62.58 License as third assistant engineer of motor vessels.

(g) Any person who has completed the U. S. Maritime Commission's course of training as cadet (Engineer) and has during the course of such training served six months in a Diesel vessel, out of at least one year and 10 months of sea service, and one year and two months at a U. S. Maritime Commission Cadet School or locations used by the U.S. Maritime Commission for supplementary special training will be permitted to sit for examination for a license as Third Assistant Engineer of ocean and coastwise motor vessels. (R.S. 4405, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 229, 46 U.S.C. Sup. 367)

### PART 63-INSPECTION OF VESSELS

Section 63.4 is amended by the addition of a new undesignated paragraph at the end thereof reading as follows:

§ 63.4 Inspection of hulls.

On all vessels, not subject to the Load Line Laws and the regulations issued thereunder (Subchapter E of Chapter I of this Title), of 150 gross tons or over, whose keels are laid on or after June 15, 1941, cast iron is not to be used for any connection to the vessel's sides if located below the main deck, nor are cast iron valves to be secured to sea chests. (R.S. 4405, 4417, as amended; 46 U.S.C. 375, 391)

### PART 64-DUTIES OF INSPECTORS

Section 64.19 is amended to read as follows:

§ 64.19 Signaling lamp. Ocean and coastwise ships over 150 gross tons shall be equipped with an efficient signaling lamp. This lamp shall be permanently fixed above the bridge and equipped with a Fresnel lens and high-speed bulb, operated by a weatherproof key, fitted with a suitable condenser. The lamp shall be so connected that it can be operated from the normal source of ship's current, the emergency source, and other emergency batteries if provided. (R.S. 4405, 4417, 4488, as amended; 46 U.S.C. 375, 391, 481)

SUBCHAPTER H-GREAT LAKES: GENERAL RULES AND REGULATIONS

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES

Section 76.15 is amended by deleting the last eight undesignated paragraphs thereof and substituting the following in their stead:

§ 76.15 How lifeboats shall be carried; davits and cranes required.

No type or make of mechanical or gravity davit shall be used unless it has first been approved by the Board.

No mechanical davits of a character which require manual or other power to turn the boats out to the position for lowering into the water shall be fitted on any vessel the keel of which is laid after September 1, 1941, if such davits are to handle a lifeboat which, without its complement of persons on board, but having on board all air tanks and other lifeboat equipment, exceeds 5,000 pounds total weight; i. e., 2,500 pounds for a single davit arm. An exemption to this requirement may be granted during the period of the national emergency proclaimed by the President on May 27, 1941. if evidence is presented to the Bureau to substantiate a claim that compliance with this requirement would materially delay the completion and delivery of the

Davits of an approved type, which are capable of swinging the boats into the lowering position without the application of any effort or external force other than that necessary to operate the releasing mechanism, allowing the boat to move from the stowed position to the lowering position by the force of gravity, shall be provided to handle all lifeboats the total weight of which, including air tanks and lifeboat equipment, but without the complement of persons on board, exceeds 5,000 pounds.

Where steel castings are used for davit frames or davit arms this material shall be fully annealed and comply with the following requirements: (In substantial agreement with A. S. T. M. Spec. A-27-39 and A-215-39T)

| Tensile strength min. psi           | 66,000 |
|-------------------------------------|--------|
| Yield point min. psi                | 33,000 |
| Elongation in 2 inches min. percent | 22     |
| Reduction of area min, percent      | 33     |

(In substantial agreement with A. S. T. M. Spec. A-27-39)

Chemical composition for castings not intended to be fusion welded.

| Manganese max. percent  | 1.00 |
|-------------------------|------|
| Phosphorus max. percent | 0.05 |
| Sulphur max. percent    | 0.06 |

(In substantial agreement with A. S. T. M. Spec. A-215-39T)

Chemical composition of castings intended to be fabricated by fusion welding.

| Carbon max. percent     | 0,30 |
|-------------------------|------|
| Manganese max. percent  | 0.70 |
| Phosphorus max. percent | 0.05 |
| Sulphur max. percent    | 0.06 |
| Silicon max. percent    | 0.50 |

Where structural steel is used for the fabrication of davit frames or davit arms the material shall conform to the following requirements:

(In substantial agreement with A. S. T. M. Spec. A-131-39)

| Tensile strength psi 60,00 Yield point min. psi 60,00 |           |
|---|-----------|
| Elongation in 8 inches min. per                       |           |
| Plangation in 0 inches min pages                      | Ten. Str. |

Where welding is employed in the construction of davits, the welders shall be qualified by the Bureau.

All moving parts of davits shall be provided with bushings of nonferrous metal, roller or ball bearings properly lubricated.

An inspector shall be present at the foundry where castings are made to witness the tensile and bend tests prescribed. The manufacturer shall furnish an affidavit stating that the required tests for annealing have been made. When the inspector has satisfied himself that such castings comply with the requirements, he shall stamp the davit arm and frame with the letters, B. M. I. N., the initials of his name and the letters, F. T., and date of inspection.

Each davit and frame shall be tested for strength and operation at the place of manufacture in the presence of an inspector.

All mechanical and gravity davit arms or frames shall be tested at the extreme outboard position by suspending from the eye or end of each davit arm a weight equal to the weight of the fully loaded and equipped boat (including full complement of persons at 165 pounds each) for which the davit is to be approved, plus 10 percent. Under this test, a davit arm or frame shall show no permanent set or undue deflection. While this test is being conducted, the frame and arms, if of cast material, shall be subjected to

a test by being hammered to satisfy the inspector that the castings are sound and without flaw.

While this test load is suspended, the operating gear of mechanical davits shall be tested by being operated from inboard to the extreme outboard position with the same operating crank or device used in actual practice aboard ship.

The manufacturer shall affix to the davit arm and frame a heavy plate giving the name of manufacturer, date of inspection, serial number, capacity load, space for the inspector's initials, and the letters B. M. I. N. After the inspector has satisfied himself that the assembled installation meets the requirements, he shall stamp the manufacturer's plates with his initials. Each set of davits shall be marked with identical serial numbers by the manufacturer.

by the manufacturer.

No davit arm or frame comprising mechanical or gravity davits shall be placed on board any vessel until all of the requirements of the rules of this section have been fully complied with. Whenever mechanical or gravity davits or parts of davits, such as davit arms, or frames, are installed on vessels to take the place of davits, davit arms, or frames which have become damaged or broken, such davits or frames shall have the manufacturer's name plate affixed thereto. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Section 76.15a is amended to read as follows:

§ 76.15a Mechanical means for lowering. (a) On all passenger vessels where the height of a boat deck exceeds 20 feet from the lightest seagoing draft, wire falls and mechanical means for lowering shall be provided for each set of davits.

(b) Winches, proposed for use in new installations, shall be of approved type and those which are contracted for on or after January 1, 1942, shall, in addition to conforming to the following requirements, be subjected to the shop test with a 100% overload and opened up for examination prior to Board approval.

(c) Plans and detail specifications of all lifeboat winches shall be submitted by the manufacturer to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the winches.

(d) Inspection openings shall be provided in the winch housing or the housing shall be so arranged to permit examination. Screws, bolts, nuts, pins, etc., used in the internal and brake assemblies, shall be fitted with lock washers, cotter pins, or suitable backing stops.

(e) Worm gears, spur gears, or a combination of both may be used in the construction of the lifeboat winches. All gears shall be machine cut and constructed of steel, bronze, or other suitable materials. The use of cast iron for gears is not permitted. Gears shall be press-

fitted on the shaft, and keys shall be properly fitted and secured.

(f) Motor clutches, when used, shall be of either frictional or positive engaging type. When one motor is used for two winches, the clutch shall be so arranged that only one winch shall be engaged at any one time. The clutch operating lever shall be capable of remaining in any position when subject to vibration, and shall be so arranged that when in neutral position both lifeboats may be lowered simultaneously.

(g) Winch drums for gravity davits shall be designed with grooves so that not more than one layer of the falls winds on the drum. Drums shall be so arranged as to keep the falls separated. The design shall also provide that the falls will be paid-out at the same rate.

(h) Winch drums for mechanical davits shall be designed with a minimum diameter of 16 times the diameter of the falls.

(i) All drums shall be properly flanged and the falls securely fastened. The use of connecting devices between the drums shall not be permitted unless bolted locking mechanism is provided.

(j) Each winch shall be provided with two brakes, one of which shall be a hand brake, the other a governor brake to automatically control the lowering speed of the lifeboat. The hand brake shall be arranged with a lever and counterweight so that when the lever is raised the brake is released and when the lever is lowered the counterweight will set the brake. The governor brake shall be designed so as to insure that the maximum rate of lowering consistent with safety is not exceeded, this, in general, shall not exceed one hundred feet per minute. External brake bands shall be made of corrosive resistant metal suitably lined. Internal brakes may be of the metallic shoe type. The brake drums shall be of steel.

(k) Bearings, gears, and other working parts shall be designed for and provided with positive means of lubrication. Worm gears shall operate in an oil bath. Means shall be provided so that the oil level in the gear casings may be checked. Manufacturers shall furnish a lubrication chart for each type of winch.

(1) Winches shall be designed so that they will operate by gravity when lowering. When vessels are fitted with nested lifeboats, special arrangements shall be provided to prevent boat falls from fouling on the drum when they are being recovered and means shall be provided for quick recovery of the falls by hand.

(m) Boat winches shall be provided with means so that the falls may be over-hauled by hand. These means must be in addition to hand cranks, and may consist of a hand grab rim on the brake shaft or brake drum.

(n) Where power-driven winches are used with gravity davits, positive means of automatically cutting off the power to the winch shall be fitted to stop the travel

of the lifeboat and cradle before reaching final stowed position, to prevent

damage to installation.

(o) Where power-driven winches are used with other type davits, the positive means for controlling power to the winch shall be by a master switch or controller so arranged that the operator must hold the master switch or controller in the "on or hoist" position for hoisting, and when released will immediately shut off the power.

- (p) Every winch shall be fitted with a name plate of noncorrosive material, giving the maximum loads approved, the date the winch was passed, the type, serial number, and the manufacturer's symbol. This plate is to be stamped with the inspector's initials, and the letters, "B. M. I. N."
- (q) Suitable covers shall be provided, so fitted that ice formation may be readily broken adrift when necessary to operate the winch.

(r) Shop test: Each winch shall be subject to the following test:

(1) Winches shall be set up to simulate a ship installation.

- (2) Winches shall be capable of lowering, without undue strain or distortion, a test weight of 10 percent overload, based on the weight of the largest boat the winch is intended to handle, together with regular equipment and full number of persons (165 pounds for each person). The number of parts to the fall should be recorded.
- (3) Brake shall be capable of stopping and holding the test weight at any point by the action of the counterweight alone.
- (4) While the weight is being lowered through a range of not less than 20 feet, stops shall be made at intervals of several feet. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.
- (5) Winch must be capable of limiting the speed of lowering. This should not in general exceed 100 feet per minute.
- (s) Installation tests: Upon completion of the installation of all mechanical means for lowering lifeboats, and before the vessel is certificated for service, the following tests and examinations shall be made in the presence of an inspector:
- (1) Swing lifeboat out from chocks and lower to level for loading, at which point lifeboat shall be loaded with dead weight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load. The boat should then be lowered to water, stopping at approximately 6-foot intervals by action of the counterweight alone. During this test the following observations should also be made:
- (i) Brake action shall be smooth, but positive. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.

(ii) Counterweight shall be capable of stopping and holding boat when released.

(iii) Winch shall be capable of controlling the speed of lowering. This should not in general exceed 100 feet per minute.

(iv) No part of lowering gear shall show any distress under load.

(v) Deck under winch and davits must be of sufficient strength to prevent any undue stress of the deck under load.

(vi) Mechanical davits shall swing to extreme outboard position without slacking winch brake.

(vii) Action of governor brake and lowering speed permitted by same should be noted

(viii) Determine that falls are of sufficient length to lower lifeboats to light load line with vessel listed to 15° either way.

- (2) If nested boats are used, the hand operated quick recovery mechanism shall be tested and the action must be easy enough to permit one man to recover falls.
- (3) A report of the results of the installation tests covering all the above points shall be recorded.

(R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489.)

Section 76.18 (m) is amended to read as follows:

§ 76.18. Construction of metallic lifeboats of class 1A.

(m) Gunwales. The dimensions of angular steel gunwales shall be as given in table. The gunwales on each side of the lifeboat shall be in not more than two pieces. If the gunwales are fitted in two lengths, the butts shall be kept beyond the midship half length of the boat and at opposite ends on each side. The joint may be riveted or welded, and the backing-up piece shall be angular in section of the thickness of the gunwale, and the length shall be not less than eight times the depth of the gunwale. It shall be secured to the sheer strake by riveting or welding. The gunwales may be of clear grain oak or teak. When made in two lengths the gunwales shall be scarphed with a good long bevel scarph stiffened on the under side by a piece of the same material at least 2 feet long, 11/4 inches thick, and of the same width as the gunwale. Fastenings securing the gunwale bar or wooden gunwale to the sheer plate shall be spaced on three-inch centers. The size of gunwales shall be of not less than the following dimen-

| Length of boat  | Depth of<br>gun-<br>wale          | Width of<br>gun-<br>wale           |
|---|-----------------------------------|------------------------------------|
| 12 feet and not over 18 feet. Over 18 and not over 20 feet. Over 20 and not over 22 feet. Over 22 and not over 24 feet. Over 24 and not over 26 feet. Over 26 feet. | Inches 17/8 17/8 2 23/4 23/8 25/8 | Inches 234 234 235 234 235 234 234 |

(R.S. 4405, 4488, as amended; 46 U.S.C. 375, 481)

Section 76.18 (n) is amended to read as follows:

(n) Nosings. The outside of the gunwale angle shall have a nosing of clear grain oak or teak secured to the sheer plate and the gunwale by fastenings spaced on 6-inch centers which fastenings may be substituted for alternate fastenings between the gunwale bar or the wooden gunwale and the sheer strake; the flat side of the nosing on boats not over 20 feet long shall be not less than 11/2 inches wide and 5/8 inch thick; on boats over 20 feet and not over 24 feet it shall be not less than 1% inches wide and 1 inch thick; on all boats over 24 feet, it shall be not less than 21/4 inches wide and 1 inch thick.

Steel gunwales made from steel plates bent to a ½ inch inside radius need not be fitted with nosings. The vertical leg of the gunwale shall be outboard of the sheer strake. (R.S. 4405, 4488, as amended; 46 U.S.C. 375, 481)

Section 76.24 is amended to read as follows:

§ 76.24 Blocks and falls. Blocks and falls installed after January 1, 1942 shall conform to the following requirements:

All blocks, falls, fairleads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of 6, based on the maximum working load.

Where mechanical means for lowering are required, not more than two-part falls shall be used, except in specific cases where three-part falls may be accepted.

Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope subricant shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

Falls shall be of such length that the lifeboat may be lowered to the water at the lightest seagoing draft with the vessel listed to 15°.

Falls shall be in readiness for use at all times. On vessels over 1,000 gross tons, not fitted with mechanical means for lowering, covered tubs, boxes, or reels shall be provided for the stowage of falls, and suitable lowering bitts shall be fitted in easily accessible positions.

Where more than one lifeboat is served by the same set of davits, if the falls are of manila rope, separate falls shall be provided to serve each lifeboat.

Such blocks as are necessary to allow the falls to lead fair in all positions of the davit shall be fitted. Where mechanical means for lowering are provided, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

These shall be ample clearance between the cheeks of blocks in which Manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 33/4 inches in circumference or greater; blocks for smaller ropes shall be designed with clearance in the same proportion.

Means for lubrication shall be provided for all moving parts of blocks. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Part 76 is amended by the addition of a new section 62 reading as follows:

§ 76.62 Disengaging apparatus. Disengaging apparatus fitted in lifeboats after January 1, 1942 shall conform to the following requirements:

All disengaging apparatus, regardless of type, shall be designed with a minimum factor of safety of six, based on the maximum working load.

No type of releasing gear shall be used unless it has first been approved by the Board.

Plans and specifications of all designs of releasing gear shall be submitted to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the releasing gear.

Simultaneous releasing gears, when installed, shall conform to the following requirements:

- (a) They shall be capable of being operated by one person, both ends of the lifeboat disengaging simultaneously.
- (b) Means for effecting release of the gear shall be placed in the after end of the lifeboat.
- (c) The hooks shall be suitable for instant unhooking of the blocks and falls by hand when the lifeboat is water-borne.
- (d) The gear and mechanism for effecting release shall be so arranged and devised as to insure the safety of the lifeboat independent of any "safety pins."

Where simultaneous releasing gears are not provided, the hooks or other means of attaching the lifeboats to the falls shall be arranged so that the device can be manually controlled by one man at each fall in the lifeboat.

Excluding the emergency boats, not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel.

No part of any releasing gear bearing the weight of the lifeboat shall be constructed of cast iron.

Such parts of the gear as would otherwise have a tendency to set fast by rust or corrosion shall be of corrosive resistant

When considered necessary, a test to destruction may be required to determine the ultimate strength of the releasing gear including hooks.

All disengaging apparatus, regardless of type, shall be prominently marked or stamped to show the safe working load for which the gear has been approved. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

PART 77-FIRE APPARATUS: FIRE PREVENTION

Section 77.10 is amended to read as

§77.10 "Doctor". Any steamer of 50 gross tons or under, required to have a double-acting steam fire pump, and having in use on board a "doctor," so called, may be considered as having a lawful equivalent for such a pump when such "doctor" has pipes attached to it leading to the upper and between decks, such pipes being provided with hose and valves, according to law; but the pipes and hose shall in no case be less than 11/2 inches in internal diameter. The pumps supplying the boilers shall in no case be considered as an equivalent for the doubleacting steam fire pump, on steamers above 50 gross tons. (R.S. 4405, 4471, as amended, 54 Stat. 1023; 46 U.S.C. 375 and 464, 463a)

### PART 78-LICENSED OFFICERS AND CERTIFICATED MEN

Section 78.9 second undesignated paragraph, is amended to read as follows:

\*

§ 78.9 Renewal of licenses.

Whenever an officer shall apply for renewal of his license for same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the local inspectors be sufficient to adequately demonstrate the continued professional knowledge of the examinee. The renewed license shall receive the next higher number for number of issue of present grade and for number of issues of all grades. (R. S. 4405, 4439, 4440, 4441, 4442, 4447, as amended; 46 U.S.C. 375, 226, 228, 229, 214,

Section 78.25 is amended to read as follows:

§ 78.25 Flashing the rays of a searchlight or other blinding light. Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of Section 4450 R.S., as amended, looking to the revocation or suspension of his license or certificate. (R.S. 4405, 4412, as amended, sec. 3 of 28 Stat. 649; 46 U.S.C. 375, 381, 33 U.S.C.

Section 78.42, first undesignated paragraph, is amended to read as follows:

\$ 78 42 General provisions as to licenses. No person shall receive a license as engineer or assistant engineer of steam vessels who has not had the experience specified in the following sections; and no person shall receive a license as above who is not able to pass a satisfactory written examination before the local inspectors. (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 78.47, second undesignated paragraph, is amended to read as fol-

§ 78.47 Engineers of motor vessels: general provisions as to licenses. .

\*

No person shall receive an original license as engineer of motor vessels who has not served at least 36 months in the engine department of a motor vessel, except as hereinafter provided. (R.S. 4405. 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 229, 46 U.S.C. Sup. 367)

Section 78.49 is amended by the addition of a new paragraph (g) reading as follows:

§ 78.49 License as first assistant engineer of motor vessels.

(g) Any person holding a license as first assistant engineer of steam vessels who has served six months as oiler in the engine department of motor vessels: or has been employed for not less than three months in the construction or installation of marine motor engines, together with three months' service as oiler in the engine department of motor vessels. (R.S. 4405, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 229, 46 U.S.C. Sup. 367)

### PART 79-INSPECTION OF VESSELS

Section 79.4 is amended by the addition of a new undesignated paragraph at the end thereof reading as follows:

§ 79.4 Inspection of hulls.

On all vessels, not subject to the Load Line Laws and the regulations issued thereunder (Subchapter E of Chapter I of this Title), of 150 gross tons or over, whose keels are laid on or after June 15, 1941, cast iron is not to be used for any connection to the vessel's sides if located below the main deck, nor are cast iron valves to be secured to sea chests. (R.S. 4405, 4417, as amended; 46 U.S.C. 375,

SUBCHAPTER I-BAYS, SOUNDS, AND LAKES OTHER THAN THE GREAT LAKES: GEN-ERAL RULES AND REGULATIONS

PART 94-BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES

Section 94.14 is amended by deleting the last six undesignated paragraphs thereof and substituting the following in their stead:

§ 94.14 How lifeboats shall be carried; davits and cranes required. No type or make of mechanical or gravity davit shall be used unless it has first been approved by the Board.

No mechanical davits of a character which require manual or other power to turn the boats out to the position for lowering into the water shall be fitted on any vessel the keel of which is laid after September 1, 1941, if such davits are to handle a lifeboat which, without its complement of persons on board, but having on board all air tanks and other lifeboat equipment, exceeds 5,000 pounds total weight; i. e., 2,500 pounds for a single davit arm. An exemption to this requirement may be granted during the period of the national emergency, proclaimed by the President on May 27, 1941, if evidence is presented to the Bureau to substantiate a claim that compliance with this requirement would materially delay the completion and delivery of the vessel.

Davits of an approved type, which are capable of swinging the boats into the lowering position without the application of any effort or external force other than that necessary to operate the releasing mechanism, allowing the boat to move from the stowed position to the lowering position by the force of gravity, shall be provided to handle all lifeboats the total weight of which, including air tanks and lifeboat equipment, but without the complement of persons on board, exceeds 5,000 pounds.

Where steel castings are used for davit frames or davit arms this material shall be fully annealed and comply with the following requirements:

(In substantial agreement with A.S.T.M. Spec. A-27-39 and A-215-39T)

| Tensile strength min. psi                                   | 66,000   |
|---|----------|
| Yield point min, psi<br>Elongation in 2 inches min, percent | 33,000   |
| Reduction of area min. percent                              | 22<br>33 |

(In substantial agreement with A.S.T.M. Spec. A-27-39)

Chemical composition for castings not intended to be fusion welded.

| Manganese max. percent  | 1.00 |
|-------------------------|------|
| Phosphorus max. percent | . 05 |
| Sulphur max. percent    | . 06 |

(In substantial agreement with A.S.T.M. Spec. A-215-39T)

Chemical composition of castings intended to be fabricated by fusion welding.

| Carbon max. percent     | 0.30 |
|-------------------------|------|
| Manganese max. percent  | . 70 |
| Phosphorus max, percent | . 05 |
| Suipnur max. percent    | . 06 |
| Silicon max. percent    | . 50 |

Where structural steel is used for the fabrication of davit frames or davit arms the material shall conform to the following requirements:

(In substantial agreement with A.S.T.M. Spec. A-131-39)

| Tensile strength<br>Yield point min. | psi      | 0.5  | to 72,000<br>T.S. |
|--------------------------------------|----------|------|-------------------|
| Elongation in                        | 8 inches |      |                   |
| min. percent                         |          | 1.50 | 0.000             |

Elongation in 2 inches Ten. Str.

Where welding is employed in the construction of davits, the welders shall be qualified by the Bureau.

All moving parts of davits shall be provided with bushings of nonferrous metal, roller or ball bearings properly lubricated.

An inspector shall be present at the foundry where castings are made to witness the tensile and bend tests prescribed. The manufacturer shall furnish an affidavit stating that the required tests for annealing have been made. When the inspector has satisfied himself that such castings comply with the requirements, he shall stamp the davit arm and frame with the letters, B. M. I. N., the initials of his name and the letters, F. T., and date of inspection.

Each davit and frame shall be tested for strength and operation at the place of manufacture in the presence of an inspector.

All mechanical and gravity davit arms or frames shall be tested at the extreme outboard position by suspending from the eye or end of each davit arm a weight equal to the weight of the fully loaded and equipped boat (including full complement of persons at 165 pounds each) for which the davit is to be approved, plus 10 per cent. Under this test, a davit arm or frame shall show no permanent set or undue deflection. While this test is being conducted, the frame and arms, if of cast material, shall be subjected to a test by being hammered to satisfy the inspector that the castings are sound and without flaw.

While this test load is suspended, the operating gear of mechanical davits shall be tested by being operated from inboard to the extreme outboard position with the same operating crank or device used in actual practice aboard ship.

The manufacturer shall affix to the davit arm and frame a heavy plate giving the name of manufacturer, date of inspection, serial number, capacity load, space for the inspector's initials, and the letters B. M. I. N. After the inspector has satisfied himself that the assembled installation meets the requirements, he shall stamp the manufacturer's plates with his initials. Each set of davits shall be marked with identical serial numbers by the manufacturer.

No davit arm or frame comprising mechanical or gravity davits shall be placed on board any vessel until all of the requirements of the rules of this section have been fully complied with. Whenever mechanical or gravity davits or parts of davits, such as davit arms, or frames, are installed on vessels to take the place of davits, davit arms, or frames which have become damaged or broken, such davits or frames shall have the manufacturer's name plate affixed thereto. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Section 94.14a is amended to read as follows:

§ 94.14a Mechanical means for lowering. (a) On all passenger vessels where the height of a boat deck exceeds 20 feet from the lightest seagoing draft, wire falls and mechanical means for lowering shall be provided for each set of davits (Applicable only to vessels constructed after July 1, 1938).

(b) Winches, proposed for use in new installations, shall be of approved type and those which are contracted for on or after January 1, 1942, shall, in addition to conforming to the following requirements, be subjected to the shop test with a 100% overload and opened up for examination prior to Board approval.

(c) Plans and detail specifications of all lifeboat winches shall be submitted by the manufacturer to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the winches.

(d) Inspection openings shall be provided in the winch housing or the housing shall be so arranged to permit examination. Screws, bolts, nuts, pins, etc., used in the internal and brake assemblies, shall be fitted with lock washers, cotter pins, or suitable backing stops.

(e) Worm gears, spur gears, or a combination of both may be used in the construction of the lifeboat winches. All gears shall be machine cut and constructed of steel, bronze, or other suitable materials. The use of cast iron for gears is not permitted. Gears shall be pressfitted on the shaft, and keys shall be properly fitted and secured.

(f) Motor clutches, when used, shall be of either frictional or positive engaging type. When one motor is used for two winches, the clutch shall be so arranged that only one winch shall be engaged at any one time. The clutch operating lever shall be capable of remaining in any position when subject to vibration, and shall be so arranged that when in neutral position both lifeboats may be lowered simultaneously.

(g) Winch drums for gravity davits shall be designed with grooves so that not more than one layer of the falls winds on the drum. Drums shall be so arranged as to keep the falls separated. The design shall also provide that the falls will be paid-out at the same rate.

(h) Winch drums for mechanical davits shall be designed with a minimum diameter of 16 times the diameter of the falls.

(i) All drums shall be properly flanged and the falls securely fastened. The use of connecting devices between the drums shall not be permitted unless bolted locking mechanism is provided.

(j) Each winch shall be provided with two brakes, one of which shall be a hand brake, the other a governor brake to automatically control the lowering speed of the lifeboat. The hand brake shall be arranged with a lever and counterweight so that when the lever is raised the brake is released and when the lever is lowered the counterweight will set the brake. The governor brake shall be designed so as to insure that the maximum rate of lowering consistent with safety is not exceeded, this, in general, shall not exceed

one hundred feet per minute. External brake bands shall be made of corrosive resistant metal suitably lined. Internal brakes may be of the metallic shoe type. The brake drums shall be of steel.

(k) Bearings, gears, and other working parts shall be designed for and provided with positive means of lubrication. Worm gears shall operate in an oil bath. Means shall be provided so that the oil level in the gear casings may be checked. Manufacturers shall furnish a lubrication chart for each type of winch.

(1) Winches shall be designed so that they will operate by gravity when lowering. When vessels are fitted with nested lifeboats, special arrangements shall be provided to prevent boat falls from fouling on the drum when they are being recovered and means shall be provided for quick recovery of the falls by hand.

(m) Boat winches shall be provided with means so that the falls may be overhauled by hand. These means must be in addition to hand cranks, and may consist of a hand grab rim on the brake shaft or brake drum.

- (n) Where power-driven winches are used with gravity davits, positive means of automatically cutting off the power to the winch shall be fitted to stop the travel of the lifeboat and cradle before reaching final stowed position, to prevent damage to installation.
- (o) Where power-driven winches are used with other type davits, the positive means for controlling power to the winch shall be by a master switch or controller so arranged that the operator must hold the master switch or controller in the "on or hoist" position for hoisting, and when released will immediately shut off
- (p) Every winch shall be fitted with a name plate of noncorrosive material, giving the maximum load approved, the date the winch was passed, the type, serial number, and the manufacturer's symbol. This plate is to be stamped with the inspector's initials, and the letters, "B. M. I. N."
- (q) Suitable covers shall be provided, so fitted that ice formation may be readily broken adrift when necessary to operate the winch.
- (r) Shop test: Each winch shall be subject to the following test:
- (1) Winches shall be set up to simulate a ship installation.
- (2) Winches shall be capable of lowering, without undue strain or distortion, a test weight of 10 percent overload, based on the weight of the largest boat the winch is intended to handle, together with regular equipment and full number of persons (165 pounds for each person). The number of parts to the fall should be recorded.
- (3) Brake shall be capable of stopping and holding the test weight at any point by the action of the counterweight alone.
- (4) While the weight is being lowered through a range of not less than 20 feet, stops shall be made at intervals of sev-

eral feet. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted

- (5) Winch must be capable of limiting the speed of lowering. This should not in general exceed 100 feet per minute.
- (s) Installation tests: Upon completion of the installation of all mechanical means for lowering lifeboats, and before the vessel is certificated for service, the following tests and examinations shall be made in the presence of an inspector:
- (1) Swing lifeboat out from chocks and lower to level for loading, at which point lifeboat shall be loaded with dead weight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load. The boat should then be lowered to water, stopping at approximately 6-foot intervals by action of the counterweight alone. During this test the following observations should also be made:
- (i) Brake action shall be smooth, but positive. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.

(ii) Counterweight shall be capable of stopping and holding boat when released.

(iii) Winch shall be capable of controlling the speed of lowering. This should not in general exceed 100 feet per minute.

(iv) No part of lowering gear shall show any distress under load.

- (v) Deck under winch and davits must be of sufficient strength to prevent any undue stress of the deck under load.
- (vi) Mechanical davits shall swing to extreme outboat position without slacking winch brake.
- (vii) Action of governor brake and lowering speed permitted by same should be noted.
- (viii) Determine that falls are of sufficient length to lower lifeboats to light load line with vessel listed to 15° either way.
- (2) If nested boats are used, the hand operated quick recovery mechanism shall be tested and the action must be easy enough to permit one man to recover falls.
- (3) A report of the results of the installation tests covering all the above points shall be recorded. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Section 94.23 is amended to read as follows:

§ 94.23 Blocks and falls. Blocks and falls installed after January 1, 1942 shall conform to the following requirements.

All blocks, falls, fairleads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of 6, based on the maximum working load.

Where mechanical means for lowering are required, not more than two-part

falls shall be used, except in specific cases where three-part falls may be accepted

Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

Falls shall be of such length that the lifeboat may be lowered to the water at the lightest seagoing draft with the vessel listed to 15°.

Falls shall be in readiness for use at all times. On vessels over 1,000 gross tons, not fitted with mechanical means for lowering, covered tubs, boxes, or reels shall be provided for the stowage of falls, and suitable lowering bitts shall be fitted in easily accessible positions.

Where more than one lifeboat is served by the same set of davits, if the falls are of manila rope, separate falls shall be provided to serve each lifeboat.

Such blocks as are necessary to allow the falls to lead fair in all positions of the davit shall be fitted. Where mechanical means for lowering are provided, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

There shall be ample clearance between the cheeks of blocks in which Manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 3% inches in circumference or greater: blocks for smaller ropes shall be designed with clearance in the same proportion.

Means for lubrication shall be provided for all moving parts of blocks. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

Part 94 is amended by the addition of a new § 94.59 reading as follows:

§ 94.59 Disengaging apparatus. Disengaging apparatus fitted in lifeboats after January 1, 1942 shall conform to the following requirements.

All disengaging apparatus, regardless of type, shall be designed with a minimum factor of safety of six, based on the maximum working load.

No type of releasing gear shall be used unless it has first been approved by the

Plans and specifications of all designs of releasing gear shall be submitted to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the releasing gear.

Simultaneous releasing gears, when installed, shall conform to the following requirements:

(a) They shall be capable of being operated by one person, both ends of the lifeboat disengaging simultaneously.

(b) Means for effecting release of the gear shall be placed in the after end of the lifeboat.

(c) The hooks shall be suitable for instant unhooking of the blocks and falls by hand when the lifeboat is waterborne.

(d) The gear and mechanism for effecting release shall be so arranged and devised as to insure the safety of the lifeboat independent of any "safety pins".

Where simultaneous releasing gears are not provided, the hooks or other means of attaching the lifeboats to the falls shall be arranged so that the device can be manually controlled by one man at each fall in the lifeboat.

Excluding the emergency boats, not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel.

No part of any releasing gear bearing the weight of the lifeboat shall be constructed of cast iron.

Such parts of the gear as would otherwise have a tendency to set fast by rust or corrosion shall be of corrosive resistant metal.

When considered necessary, a test to destruction may be required to determine the ultimate strength of the releasing gear including hooks.

All disengaging apparatus, regardless of type, shall be prominently marked or stamped to show the safe working load for which the gear has been approved. (R.S. 4405, 4488, 4491, as amended; 46 U.S.C. 375, 481, 489)

PART 95-FIRE APPARATUS: FIRE PREVENTION

Section 95.10 is amended to read as follows:

§ 95.10 "Doctor". Any steamer of 50 gross tons or under, required to have a double-acting steam fire pump, and having in use on board a "doctor," so called, may be considered as having a lawful equivalent for such a pump when such "doctor" has pipes attached to it leading to the upper and between decks, such pipes being provided with hose and valves, according to law; but the pipes and hose shall in no case be less than 11/2 inches in internal diameter. The pumps for supplying the boilers shall in no case be considered as an equivalent for the double-acting steam fire pump, on steamers above 50 gross tons. (R.S. 4405, 4471, as amended, 54 Stat. 1023; 46 U.S.C. 375,

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Section 96.9, second undesignated paragraph, is amended to read as follows:

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§ 96.9 Renewal of licenses.

Whenever an officer shall apply for renewal of his license for same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license,

of such length and scope as will, in the judgment of the local inspectors be sufficient to adequately demonstrate the continued professional knowledge of the examinee. The renewed license shall receive the next higher number for number of issue of present grade and for number of issues of all grade. (R.S. 4405, 4439, 4440, 4441, 4442, 4447, as amended; 46 U.S.C. 375, 226, 228, 229, 214, 233)

Section 96.26 is amended to read as follows:

§ 96.26 Flashing the rays of a search-light or other blinding light. Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of Section 4450 R.S., as amended, looking to the revocation or suspension of his license or certificate. (Sec. 2 of 30 Stat. 102, 38 Stat. 381; 33 U.S.C. 157)

Section 96.41, first undesignated paragraph, is amended to read as follows:

§ 96.41 General provisions as to licenses. No person shall receive a license as engineer or assistant engineer of steam vessels who has not had the experience specified in the following sections; and no person shall receive a license as above who is not able to pass a satisfactory written examination before the Local Inspectors. (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 96.46, second undesignated paragraph, is amended to read as follows:

§ 96.46 Engineers of motor vessels: general provisions as to licenses.

No person shall receive an original license as engineer of motor vessels who has not served at least 36 months in the engine department of a motor vessel, except as hereinafter provided. (R.S. 4405, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 229, 46 U.S.C. Sup. 367)

Section 96.48 is amended by the addition of a new paragraph (g) as follows:

§ 96.48 License as first assistant engineer of motor vessels.

(g) Any person holding a license as first assistant engineer of steam vessels who has served six months as oiler in the engine department of motor vessels; or has been employed for not less than three months in the construction or installation of marine motor engines, together with three months' service as oiler in the engine department of motor vessels. (R.S. 4405, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 229, 46 U.S.C. Sup. 367)

PART 97-INSPECTION OF VESSELS

Section 97.4 is amended by the addition of a new undesignated paragraph at the end thereof reading as follows:

§ 97.4 Inspection of hulls.

On all vessels, not subject to the Load Line Laws and the regulations issued thereunder (Subchapter E of Chapter I of this Title), of 150 gross tons or over, whose keels are laid on or after June 15, 1941, cast iron is not to be used for any connection to the vessel's sides if located below the main deck, nor are cast iron valves to be secured to sea chests. (R.S. 4405, 4417, as amended; 46 U.S.C. 375, 391)

SUBCHAPTER J—RIVERS: GENERAL RULES
AND REGULATIONS

PART 114—FIRE APPARATUS: FIRE PREVENTION

Section 114.12 is amended to read as follows:

§ 114.12 "Doctor." Any steamer of 50 gross tons or under, required to have a double-acting steam fire pump, and having in use on board a "doctor," so called, may be considered as having a lawful equivalent for such a pump when such "doctor" has pipes attached to it leading to the upper and between decks, such pipes being provided with hose and valves, according to law; but the pipes and hose shall in no case be less than 11/2 inches in internal diameter. The pumps for supplying the boilers shall in no case be considered as an equivalent for the double-acting steam fire pump. on steamers above 50 gross tons. (R.S. 4405, 4471, as amended, 54 Stat. 1023; 46 U.S.C. 375, 464, 463a)

PART 115-LICENSED OFFICERS

Section 115.9, second undesignated paragraph is amended to read as follows:

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§ 115.9 Renewal of licenses.

Whenever an officer shall apply for renewal of his license for same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the local inspectors be sufficient to adequately demonstrate the continued professional knowledge of the examinee. The renewed license shall receive the next higher number for number of issue of present grade and for number of issues of all grades. (R.S. 4405, 4439, 4440, 4441, 4442, 4447, as amended; 46 U.S.C. 375, 226, 228, 229, 214, 233)

Section 115.24 is amended to read as follows:

§ 115.24 Flashing the rays of a searchlight or other blinding light. Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of section 4450 R.S., as amended, looking to the revocation or suspension of his license or certificate. (R.S. 4405, 4412, as amended; 46 U.S.C.

Section 115.39, ninth undesignated paragraph, is amended to read as follows:

§ 115.39 Classes of engineers; general provisions as to licenses. 140

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No person shall receive a license as engineer or assistant engineer of steam vessels who has not had the experience specified in the following sections; and no person shall receive a license as above who is not able to pass a satisfactory written examination before the local inspectors. (R.S. 4405, 4438, 4441, as amended; 46 U.S.C. 375, 224, 229)

Section 115.47, second undesignated paragraph, is amended to read as follows:

§ 115.47 General provisions as to licenses. -

No person shall receive an original license as engineer of motor vessels who has not served at least 36 months in the engine department of a motor vessel, except as hereinafter provided. (R.S. 4405, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 229, 46 U.S.C. Sup. 367)

Section 115.49 is amended by the addition of a new paragraph (g) reading as follows:

§ 115.49 License as first assistant engineer of motor vessels.

\*

(g) Any person holding a license as first assistant engineer of steam vessels who has served six months as oiler in the engine department of motor vessels; or has been employed for not less than three months in the construction or installation of marine motor engines, together with three months' service as oiler in the engine department of motor vessels. (R.S. 4405, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 224, 229, 46 U.S.C. Sup. 367)

### PART 116-INSPECTION OF VESSELS

Section 116.4 is amended by the addition of a new undesignated paragraph at the end thereof reading as follows:

### § 116.4 Inspection of hulls.

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On all vessels, not subject to the Load Line Laws and the regulations issued thereunder (Subchapter E of Chapter I of this Title) of 150 gross tons or over, whose keels are laid on or after June 15, 1941, cast iron is not to be used for any connection to the vessel's sides if located below the main deck, nor are cast iron valves to be secured to sea chests. (R.S. 4405, 4417, as amended; 46 U.S.C. 375,

### Miscellaneous Items of Equipment Approved

The following miscellaneous items of equipment for the better security of life at sea are approved:

### Safety Valve

Drum Pilot Actuated Superheater Safety Valve (Drawings R-6181-BE and R-6211-N) and Pilot Actuator, manufactured by Consolidated Safety Valve Division of Manning, Maxwell, and Moore, Inc., Bridgeport, Conn.

### Low Pressure Heating Boiler

Special 33" Oil Burning Boiler (Drawing No. 1116.051, revised July 8, 1941), manufactured by Pacific Steel Boiler Division of United States Radiator Corp., Detroit, Mich. (Approved for pressure not exceeding 30 lbs. per sq. in.)

Schat RD Davit (Drawing Nos. B. A. 192, B. A. 191, B. A. 115, B. A. 106, B. A. 105, and C. A. 218) submitted by Marine Safety Devices, Inc., New York, New York. (Maximum working load of 2,500 lbs. per arm)

### Buoyant Cushion

Kapok Buoyant Cushion, No. 5 (Drawing dated Jan. 23, 1941), manufactured by Seaway Manufacturing Company, William S. Brusstar, New Orleans, La., (Approval No. B-60).

Buoyant Cushion, consisting of kapok life preserver vest (Universal Gov't Vest, Modified Standard) (Drawing dated 6-11-41), manufactured by The American Pad and Textile Co., Greenfield, Ohio. (Approval No. B-59.)

### Life Buoy

10-Segment, 30" Balsa Wood Life Buoy (Drawing dated Sept. 18, 1939), manufactured by Seaway Manufacturing Co., William S. Brusstar, New Orleans, La. (Approval No. B-58.)

### Balsa Wood Elliptical Life Floats

Balsa Wood Hydrotex Covered Elliptical Life Floats, manufactured by Winner Manufacturing Co., Trenton, New Jersey, in the following sizes for the number of persons noted:

| Length  | Width  | Tube<br>diameter | Capacity | Maximum<br>weight |
|---------|--------|------------------|----------|-------------------|
| 7' 0''  | 3' 6'' | 10"              | 10       | 150               |
| 8' 6''  | 4' 0'' | 11"              | 15       | 200               |
| 10' 0'' | 5' 6'' | 12"              | 25       | 300               |
| 11' 6'' | 7' 0'' | 14"              | 40       | 400               |
| 13' 0'' | 8' 6'' | 16"              | 60       | 550               |

### Gas Mask

Gas Mask No. BM-1429 (BM-1429 Canister, BM-1419 Face Piece, and BM-1419 Canister Harness), manufactured by E. D. Bullard Co., San Francisco, California. (Approved for use against ammonia vapors only.)

### Fire Extinguishers

Lux Model 10 Carbon Dioxide Fire Extinguisher (Assembly Drawing No. 61701-A dated 10/23/29, alteration 11/18/29), submitted by Walter Kiddee and Company, Inc., New York, New York.

Fyre-Freeze Model 10 Carbon Dioxide Fire Extinguisher (Assembly Drawing No. 61701-A dated 10/23/29, alteration 11/18/29), submitted by Walter Kidde and Co., Inc., New York, New York.

Type A, 4-lb. Carbon Dioxide Fire Extinguisher (Assembly Drawing No. C-50361), manufactured by C-O-Two Fire Equipment Company, Newark, New Jersey. (Approved for use on all motorboats except those of over 15 gross tons carrying passengers or freight for hire.)

Type A, 71/2-lbs., Carbon Dioxide Fire Extinguisher (Assembly Drawing No. D-50202), manufactured by C-O-Two Fire Equipment Company, Newark, New Jersey.

Type A, 10-lbs., Carbon Dioxide Fire Extinguisher (Assembly Drawing No. C-50493), manufactured by C-O-Two Fire Equipment Company, Newark, New Jer-

Type A, 15-lbs., Carbon Dioxide Fire Extinguisher (Assembly Drawing No. D-50011), manufactured by C-O-Two Fire Equipment Company, Newark, New Jer-

### Fire Extinguishing Apparatus

35-lb. Single Cylinder Hose-Reel (Drawings C-70031 or C-70029) and Hose-Rack (Drawings C-70032 or C-70030) Carbon Dioxide Extinguishing Apparatus, manufactured by C-O-Two Fire Equipment Company, Newark, New Jersey.

75-lb. Single Cylinder Hose-Reel (Drawings C-70031 or C-70029) and Hose-Rack (Drawings C-70032 or C-70030) Carbon Dioxide Extinguishing Apparatus, manufactured by C-O-Two Fire Equipment Company, Newark, New Jersey.

100-lb. Single Cylinder Hose-Reel (Drawings C-70031 or C-70029) and Hose-Rack (Drawings C-70032 or C-70030) Carbon Dioxide Extinguishing Apparatus, manufactured by C-O-Two Fire Equipment Company, Newark, New Jersey.

### Spray Nozzles

Grinnell 11/2" fixed type spray nozzle, Model B (Drawing No. 13215-A), manufactured by the Grinnell Company, Providence, Rhode Island. (R.S. 4405, 4417, 4417a, 4418, 4433, 4470, 4479, 4488, 4491, as amended, 54 Stat. 1032, 54 Stat. 163-167, 49 Stat. 1544; 46 U.S.C. 375, 391, 391a, 392, 411, 463, 463a, 472, 481, 489, 526-526t, 46 U.S.C. Sup. 367)

Executive Committee, Board of Supervising Inspectors.

[SEAL] R. S. FIELD,

Director, Chairman.
JOHN F. OETTL,

U. S. Supervising Inspector, 4th District, New Orleans, La. WILLIAM FISHER,

U. S. Supervising Inspector, 7th District, San Francisco, Calif. Approved:

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-6162; Filed, August 19, 1941; 11:44 a. m.]

# TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COM-MERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 10—STEAM ROADS: UNIFORM SYSTEM
OF ACCOUNTS

Orders of the Interstate Commerce Commission modifying the Classification of Income, Profit and Loss, and General Balance Sheet Accounts for Steam Roads, and the Classifications of Investments in Road and Equipment, Income, Profit and Loss and General Balance Sheet Account, and Accounting Bulletin No. 15, prescribed for Steam Roads, effective Jan. 1, 1942, were filed with the Division of the Federal Register, Aug. 19, 1941, at 12:45 PM and 12:46 PM, F.R. Doc. Nos. 41–6167 and 41–6168. Requests for copies may be addressed to the Interstate Commerce Commission.

[No. 3666—Special Series A]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

APPLICATION FOR AUTHORITY TO CONSTRUCT FOR EXPERIMENTAL SERVICE IN THE TRANS-PORTATION OF SULFURIC ACID 25 RIVETED TONCAN IRON TANK-CAR TANKS GRANTED

Decided August 6, 1941

R. W. Thompson for General American Transportation Corporation.

Report of the Commission 1

JOHNSON, Commissioner:

By application number 2750 filed with the Association of American Railroads on September 19, 1940, and transmitted to us July 26, 1941, with the recommendations of the Association's mechanical division and Bureau of Explosives, we are asked to authorize General American Transportation Corporation to construct

No. 163-7

twenty-five (25) riveted tanks of tank cars, of nominal capacity 7,000 gallons, to bear initials and numbers GATX 38609 to 38633, inclusive, conforming to current I.C.C. specification 103A for tank cars, except that toncan iron plates be substituted for open-hearth boiler plate steel of flange quality, cars to be used in service tests in the transportation of sulfuric acid. Riveted anchors will be used.

Upon consideration of the record and in the light of facts disclosed, construction and use for trial service of twenty-five (25) tanks of tank cars, in accordance with current I.C.C. specification 103A, is forthwith authorized for transportation of sulfuric acid. Tanks must be constructed, and marked for sulfuric acid only, in compliance with I.C.C. specification 103A, and application and drawings filed as an exhibit herein.

In all respects other than as provided for herein the regulations for the transportation of sulfuric acid are and shall remain in full force and effect.

Owners or operators of cars shall make semiannual inspections of the interior and exterior of the tanks authorized herein and report their condition to the same parties as receive reports required by I.C.C. specification 103A.

By the Commission, Commissioner Johnson,

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 41-6169; Filed, August 19, 1941; 12:46 p. m.]

### TITLE 50-WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 205—ALASKA PENINSULA AREA FISHERIES

Section 205.15 is hereby amended to read as follows:

§ 205.15 Open seasons, salmon fishing. Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 27 in each calendar year and during the remainder of each calendar year after 6 o'clock postmeridian August 12, except that beach seines and gill nets may be used from September 5 to September 30, both dates inclusive. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

HAROLD L. ICKES, Secretary of the Interior.

AUGUST 14, 1941.

[F. R. Doc. 41-6198; Filed, August 20, 1941; 9:33 a. m.]

### Notices

### DEPARTMENT OF STATE.

SUPPLEMENT TO THE LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CON-SIDER GRANTING CONCESSIONS TO CUBA

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930," as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, public notice of intention to negotiate a trade agreement with the Government of Cuba was issued on July 26, 1941.1 In connection with that notice, there was published a list of products on which the United States will consider the granting of concessions to Cuba, and it was announced that concessions on products not included in the list would not be considered unless supplementary announcement made.

I hereby announce that the products described in the attached list have been added to the list issued on July 26, 1941.

[SEAL]

CORDELL HULL, Secretary of State.

AUGUST 18, 1941.

In the event that articles which are at present regarded as classifiable under the descriptions included in the following list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the supplementary agreement, the list will nevertheless be considered as including such articles.

| mig such divitores,                                   |   |  |
|---|---|--|
| United States Tariff<br>Act of 1930, paragraph<br>No. | Description of article  | Present rate of<br>duty (applicable<br>to Cuban pro-<br>ducts) |
| 34  | All medicinal preparations of animal origin, not specially provided for. Chemicals, drugs, medicinal and similar substances, whether dutiable of free, when imported in capsules, pills, tablets, lozenges, troches, ampoules, jubes, or similar forms, including powders put up in medicinal doses. Drugs of animal origin which are natural and uncompounded and not edible, and not specially provided for, but which are advanced in value or | 20% ad val.  Not less than 20% ad val.  8% ad val.             |
|   | condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol.   |  |

<sup>16</sup> F.R. 3735.

<sup>&</sup>lt;sup>1</sup>Under the authority of section 17 (2) of the Interstate Commerce Act, the above entitled matter was referred by the Commission to Commissioner Johnson for consideration and disposition.

## FEDERAL REGISTER, Thursday, August 21, 1941

| United States Tariff Act of 1930, paragraph | Description of article  | Present rate of<br>duty (applicable<br>to Cuban pro-<br>ducts)                                     |
|---|---|--|
| 706<br>746<br>752                           | Frog legs, fresh, chilled, frozen, prepared, or preserved. Mangoes. Fruits in their natural state, or in brine, pickled, dried, dessicated, evaporated, or otherwise prepared or preserved, and not specially provided for. | \$0.048 per lb., but<br>not less than 16%<br>ad val.<br>\$0.12 per lb.<br>28% ad val. <sup>1</sup> |
| 752   | Fruit pastes and fruit pulps.   | 28% ad val.2   |

1 The rate of duty, applicable to imports of Cuban origin, was reduced on dried, dessicated, or evaporated bananas following the granting of a concession on such products in the trade agreement with Costa Rica, effective August 2, 1937. That agreement reduced the general rate of duty on these products from 35% ad val. to 17½% ad val. and the rate to Cuba was thereby automatically reduced to 14% ad val., in accordance with the provision in the Cuban trade agreement under which imports from Cuba are entitled to a rate of duty not less than 20% below the lowest rate applicable to imports of similar products originating in any other country. The reduced general rate of duty was bound against increase in the trade agreement with Ecnador, effective October 23, 1938.

The rate of duty, applicable to imports of Cuban origin, was reduced on prepared or preserved guavas, not specially provided for, following the granting of a concession on these products in the trade agreement with Haiti, effective June 3, 1935. That agreement reduced the general rate of duty on these products from 35% ad val. to 17½% ad val. and the rate to Cuba was thereby automatically reduced to 14% ad val., as in the case noted above of dried, dessicated, or evaporated bananas. The reduced general rate of duty on prepared or preserved guavas was subsequently bound against increase in trade agreements with Honduras, Guatemala, El Salvador, and Costa Rica.

The rate of duty on mango pastes and pulps, and guava pastes and pulps, of Ouban origin, was reduced from 25% ad val. to 14% ad val. in the trade agreement with Cuba effective September 3, 1934. The duty on green or unripe in during the period from December 1 to the following May 31, inclusive, in any years?, was reduced from \$0.028 to \$0.014 per lb. in the trade agreement with Cuba effective September 3, 1934. The duty on green or unripe lima beans of Cuban origin, remained at the rate of \$0.028 per lb. for any imports during the remainder of the year. The purpose of including lima beans in the pr

[F. R. Doc. 41-6201; Filed, August 20, 1941; 9:35 a. m.]

Committee for Reciprocity Information.

SUPPLEMENTAL TRADE-AGREEMENT NEGOTIA-TIONS WITH CUBA

SUPPLEMENTARY LIST OF PRODUCTS

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, with regard to the supplementary list of products an-nounced by the Secretary of State on this date in connection with the negotiation

of a supplemental trade agreement with the Government of Cuba, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, September 6, 1941. Such communications should be addresed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on September 8, 1941, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, when supplemental oral statements will be heard with regard to the products contained in the supplementary list, unless persons interested in these products request that they be heard at a later date acceptable to the Com-

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing. and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 18th day of August 1941.

[SEAL]

E. M. WHITCOMB, Acting Secretary.

AUGUST 18, 1941.

[F. R. Doc. 41-6202; Filed, August 20, 1941; 9:35 a. m.]

### WAR DEPARTMENT.

[Contract No. W 852 ord-1]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AUTO-ORDNANCE CORPORATION, BRIDGEPORT, CONNECTICUT

Contract ' for: Guns, \* \* \*, and Spare Parts.

Amount: \$2,176,360.00.

Place: Springfield Armory, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Ord-50, 021-P10-30-A0020-13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 7th day of May 1941.

Scope of this contract. The contractor shall furnish and deliver Guns, \* \* \*, and Spare Parts for Guns for the consideration stated \$2,-176,360.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

\$ 0.028 Ox

0.014 Per 16

Delays-Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

> FRANK W. BULLOCK, Major, Signal Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6195; Filed, August 19, 1941; 4:00 p. m.]

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1624-FD]

IN THE MATTER OF COAL HILL MINING COMPANY, REGISTRATION No. 1675, De-FENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on August 19, 1941, at the Post Office Building, Punxsutawney, Pennsylvania, and the Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the fore-noon of August 19, 1941, until 10 o'clock in the forenoon of September 23, 1941, at Punxsutawney, Pennsylvania, at a hearing room to be hereafter designated by an appropriate order of the Director and before the officer previously designated to preside at said hearing.

Dated: August 18, 1941.

DAN H. WHEELER, [SEAL] Acting Director.

[F. R. Doc. 41-6208; Filed, August 20, 1941; 10:30 a. m.]

<sup>&</sup>lt;sup>1</sup> Approved by the Chief of Ordnance, June

[Docket No. 1623-FD]

IN THE MATTER OF POWER FUEL COMPANY, INC., REGISTRATION NO. 7427, DEFENDANT

### ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on August 19, 1941, at the Post Office Building, Punxsutawney, Pennsylvania, and the Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 2 o'clock in the afternoon of August 19, 1941, until 2 o'clock in the afternoon of September 23, 1941, at Punxsutawney, Pennsylvania, at a hearing room to be hereafter designated by an appropriate order of the Director and before the officer previously designated to preside at said hearing.

Dated: August 18, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 41-6209; Filed, August 20, 1941; 10:30 a. m.]

### (Docket No. 1673-FD]

IN THE MATTER OF THE PITTSBURG & SHAW-MUT COAL COMPANY, REGISTERED DIS-TRIBUTOR, REGISTRATION NO. 7349, DEFENDANT

### ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of August 20, 1941, at a hearing room of the Bituminous Coal Division at the County Court Room, Kittanning, Pennsylvania; and

The defendant in the above-entitled matter, having filed a motion for post-ponement of said hearing and having shown good cause for the postponement of the said hearing;

Now, therefore, it is ordered. That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of August 20, 1941, until 10 o'clock in the forenoon of September 15, 1941, at Kittanning, Pennsylvania, at a hearing room of the Bituminous Coal Division to be hereafter designated by an appropriate Order of the Director and before the officers previously designated to preside at said hearing.

Dated: August 18, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-6210; Filed, August 20, 1941; 10:30 a. m.]

### [Docket No. A-828]

PETITION OF DISTRICT BOARD 8 FOR ESTABLISHMENT OF SEASONAL DISCOUNTS APPLICABLE TO TRUCK SHIPMENTS OF COALS PRODUCED IN DISTRICT 8 TO ALL MARKET AREAS

### ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division, pursuant to

section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8, requesting the establishment of seasonal discounts on coals in Size Groups 1 to 5, inclusive, for shipment by truck to all market areas, during the months of April to August, inclusive, similar to the discounts now provided by the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck;

Petitions of intervention having been filed by District Boards 1, 4, 6, 7, and 10, and the Office of the Bituminous Coal Consumers' Counsel having filed a notice of appearance:

A hearing having been held, pursuant to an Order of the Director before a duly designated Examiner of the Division at a hearing room thereof at Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the record thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petitions filed herein be, and they hereby are, denied.

Dated: August 19, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6211; Filed, August 20, 1941; 10:30 a. m.]

[Docket No. 1621-FD]

IN THE MATTER OF M. E. STALEY,
DEFENDANT

MEMORANDUM OPINION AND ORDER OF DISMISSAL

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on March 10, 1941. pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by Arthur Baxter, a code member in District 17. The complainant alleged that M. E. Staley, the defendant, a code member in District 17, had wilfully violated the provisions of the Bituminous Coal Code or Rules and Regulations thereunder, and prayed that the Division either cancel and revoke the defendant's code membership, or in its discretion, direct the defendant to cease and desist from violations of the Code and Rules and Regulations thereunder.

Pursuant to an Order of the Director dated April 19, 1941, and after due notice to interested persons, a hearing in this matter was held on June 4, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Grand Junction, Colorado. Appearances were entered on behalf of the complainant and the defendant. The Examiner's report was waived

by the parties, and the matter was thereupon submitted to the undersigned.

The complainant alleged that the defendant had violated the Schedule of Effective Minimum Prices for District 17 For All Shipments by selling and delivering to Basin Chevrolet at Vernal, Utah. on December 11, 1940, approximately 42/5 tons 1 of 3" lump coal (untreated), in Size Group 3, produced at the defendant's White River Mine (Mine Index No. 394), at Rangely, Colorado, at the price of \$4.50 per ton delivered at Vernal, Utah. which is alleged to be less than the effective minimum price therefor of \$3.50 per ton plus the actual cost of transportation thereof from the mine to said point of delivery, a distance of approximately fifty miles, which cost the complainant contends is in excess of \$1.00 per ton.

The Director has considered the record in this case and now concludes that the evidence is inadequate to support the charge that the defendant, M. E. Staley, wilfully violated the provisions of section 4 II (e) of the Bituminous Coal Act; the Bituminous Coal Code; the Schedule of Effective Minimum Prices of District 17 For All Shipments; and the Marketing Rules and Regulations.

It is therefore ordered, That the complaint herein be and it is hereby dismissed.

Dated: August 19, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6212; Filed, August 20, 1941; 10:31 a. m.]

[Docket No. 1612-FD]

IN THE MATTER OF LINDEN D. WHITTAKER, REGISTERED DISTRIBUTOR, REGISTRATION No. 9686, DEFENDANT

MEMORANDUM OPINION AND ORDER OF THE

This proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate and determine whether Linden D. Whittaker, a registered distributor, (Registration No. 9686), of Salt Lake City, Utah, has violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 (the "Act").

Pursuant to a Notice of and Order for Hearing dated April 18, 1941, a public hearing was held in this matter on June 6, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Salt Lake City, Utah. All interested parties were afforded an opportunity to be present and participate fully in the hearing. At the hearing an appearance was entered by the defendant.

<sup>&</sup>lt;sup>1</sup>At the hearing, complainant moved to amend the complaint to read two and twofifths tons rather than four and two-fifths tons, the Examiner allowing the amendment.

All interested parties to this proceeding waived the preparation and submission of any report, Findings of Fact or Recommendation by the Examiner and agreed to submit this matter to the Director for his determination upon the basis of the record herein.

In the Notice of and Order for Hearing, it was stated that the Division found it necessary to determine whether or not violations of the Act or the rules and regulations thereunder had occurred in any manner, particularly section 4 II (i) 12 of the Act, § 304.19 (c) of the Rules and Regulations for the Registration of Distributors, and sections (c), (d), (g) and (h) of the defendant's "Agreement" entered pursuant to the provisions of § 304.12 (b) of the Rules and Regulations for the Registration of Distributors, by accepting discounts of 25 cents per ton on 136.3 tons of coal sold and delivered, on or about November 13, 1940, to November 29, 1940, by B. A. Howard, a code member in District 20, trading as the Deer Creek Coal Company, to W. H. Smith, a retailer, Salt Lake City, Utah, also trading as Deer Creek Coal Company, while the defendant was employed by such retailer. The defendant, at no time took title or became obligated to pay for any of the coal, nor performed any service of value to the producer in any transaction.

No evidence was presented at the hearing, but rather the defendant, under oath, admitted the violations as charged and consented to the revocation of his dis-

tributor's registration.

On the basis of the defendant's admission to the violations charged and consent to the revocation and cancellation of his registration as a distributor, the Director finds and concludes that the defendant, Linden D. Whittaker, a registered distributor, (Registration No. 9686) Salt Lake City, Utah, during the period November 13, 1940, to November 29, 1940, violated the provisions of (1) section 4 II (i) 12 of the Act; (2) § 304.19 (c) of the Rules and Regulations for the Registration of Distributors, and sections (c), (d), (g) and (h) of the defendant's "Agreement" as a registered distributor by accepting discounts of 25 cents per ton on 136.3 tons of coal, the defendant neither taking title to nor becoming obligated to pay for such coal, nor performing any service of value to the producer in the sale thereof.

Therefore, it is ordered, That pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, the registration of the defendant, Linden D. Whittaker, as a distributor, be and it hereby is revoked.

Dated: August 19, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-6213; Filed, August 20, 1941; 10:31 a.m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARN-ERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective August 21, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUM-BER OF LEARNERS. LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE.

Baron Dental Laboratory, 1831 Chestnut Street, Philadelphia, Pennsylvania; Dental Laboratory; 1 learner; 12 weeks for any one learner; 25 cents per hour; Dental Mechanic; November 27, 1941.

Boston Leather Specialties, Inc., 210 Broadway, Everett, Massachusetts; Hichair Pads, Playard Pads, Carriage Pads and Baby Hammocks and Seats; 3 learners; 4 weeks for any one learner; 25 cents per hour; Filler; October 30, 1941.

The Chilcote Company, 2140 Superior Avenue, Cleveland, Ohio; Photo Mounts; 10 learners; 4 weeks for any one learner; 30 cents per hour; Paster, Assembling Photo Mounts; October 30, 1941.

Driscoll-Bruck Company, Ltd., 3564 S. E. Division Street, Portland, Oregon; Artificial Fishing Flys By Hand; 5 learners; 12 weeks for any one learner; 25 cents per hour; Fly Tier; December 11, 1941.

George L. Kohne, Inc., 602 Summit Street, Toledo, Ohio; Photo Mounts; 1 learner; 4 weeks for any one learner; 30 cents per hour; Paster, Assembling Photo Mounts; October 30, 1941.

The Larkotex Company, 1002 Olive Street, Texarkana, Texas; Crutches, Trusses, Surgical Hosiery, Surgical Belts, and other Surgical Appliances; 2 learners; 320 hours for any one learner; 25 cents per hour; Sewer and Cutter, Crutch Maker; October 30, 1941. Manco Watch Strap Company, 45 Lispenard Street, New York, N. Y.; Leather Watch Straps; 4 learners; 6 weeks for any one learner; 30 cents per hour; Sewing Machine Operator, Leather Cutter; October 16, 1941.

The Medick-Barrows Company, 855 W. 5th Avenue, Columbus, Ohio; Photo Mounts; 5 learners; 4 weeks for any one learner; 30 cents per hour; Paster, Assembling Photo Mounts; October 30, 1941.

B. Oshrin and Brothers, 390 West Broadway, New York, New York; Photo Mounts; 6 learners; 4 weeks for any one learner; 30 cents per hour; Paster, Assembling Photo Mounts; October 2, 1941.

Signed at Washington, D. C., this 20th day of August 1941.

GUSTAV PECK,
Authorized Representative
of the Administrator,

[F. R. Doc. 41-6226; Filed, August 20, 1941; 11:34 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 FR. 2862) and the Determination and Order or Regulation listed below and published in the Federal Register as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations,
October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective August 21, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

American Brassiere Company, 44 West 28th Street, New York, New York; Apparel; Girdles, Corsets, Brassieres; 5 learners (75% of the applicable hourly minimum wage); December 4, 1941.

Blue Bell-Globe Manufacturing Company, Commerce, Georgia; Apparel; Coats; 5 percent (75% of the applicable hourly minimum wage); August 21, 1942.

Bodner Neckwear Company, 1023 Filbert Street, Philadelphia, Pennsylvania; Apparel; Men's Neckwear; 5 learners (75% of the applicable hourly minimum wage); August 21, 1942.

Bona Fit Shirt Company, Inc., 427 East 19th Street, Paterson, New Jersey; Apparel; Men's Shirts; 7 learners (75% of the applicable hourly minimum wage); December 18, 1941.

H. Drucker and Son, 260 Stone Avenue, Brooklyn, New York; Apparel; Boys' Pajamas; 5 learners (75% of the applicable hourly minimum wage); December 18, 1941.

The Industrial Garment Manufacturing Company, Middleport, Ohio; Apparel; Coveralls; 50 learners (75% of the applicable hourly minimum wage); December 18, 1941.

JaPose Manufacturing Company, 699 Broadway, New York, N. Y.; Apparel; Ladies' Underwear; 5 learners (75% of the applicable hourly minimum wage); December 4, 1941.

L. K. F. Manufacturing Company, 524 Catherine Street, Utica, New York; Apparel; Men's Clothing; 10 learners (75% of the applicable hourly minimum wage); December 18, 1941.

LeNore Garments, Inc., 325 W. Adams Street, Chicago, Illinois; Apparel; Ladies' & Children's Aprons; 10 percent (75% of the applicable hourly minimum wage); August 21, 1942. (This certificate replaces one issued effective September 27, 1940.)

M. and N. Manufacturing Company, 127 S. Market Street, Chicago, Illinois; Apparel; Blouses; 5 learners (75% of the applicable hourly minimum wage); August 21, 1942.

Middlesex Company, Inc., 284 State Street, Perth Amboy, New Jersey; Apparel; Shirts; 20 learners (75% of the applicable hourly minimum wage); December 4, 1941.

J. A. Miller and Company, 369 Robert Street, St. Paul, Minnesota; Apparel; Caps; 1 learner (75% of the applicable hourly minimum wage); October 30, 1941. Nunnally and McCrae (Pioneer Plant), 292 Lambert Street, Atlanta, Georgia; Apparel; Cotton Work Pants and Coveralls; 77 learners (75% of the applicable hourly minimum wage); December 18, 1941.

Paul Manufacturing Company, Framingham, Massachusetts; Apparel; Aprons; 50 learners (75% of the applicable hourly minimum wage); December 18, 1941.

Ray Art Frocks, 165 Richmond Street, Brooklyn, New York; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); December 4, 1941.

S. & A. Sportwear Company, 1 Chester Street, Brooklyn, New York; Apparel; Infants' & Children's Outerwear; 5 learners (75% of the applicable hourly minimum wage); November 13, 1941.

S. Schneider and Sons, Inc., 54 W. 21st Street, New York, N. Y.; Apparel; Infants' and Children's Outerwear; 20 learners (75% of the applicable hourly minimum wage); December 18, 1941.

Standard Romper Company, Inc., 558 Roosevelt Avenue, Central Falls, R. I.; Apparel; Infants' & Children's Outerwear; 5 percent (75% of the applicable hourly minimum wage); August 21, 1942.

Timely Clothes, Inc., 1415 North Clinton Avenue, Rochester, New York; Apparel; Men's Clothes; 20 learners (75% of the applicable hourly minimum wage); August 21, 1942.

Trend Trousers, Incorporated, 512 Railroad Street, North Judson, Indiana; Apparel; Men's & Boys' Dress Trousers; 5 learners (75% of the applicable hourly minimum wage); August 21, 1942.

Valley Garment Company, Inc., 701 Marshall Street, McMechen, West Virginia; Apparel; Dresses; 25 learners (75% of the applicable hourly minimum wage); December 4, 1941.

Smart Set Glove Company, Inc., 29 Chuctanunda Street, Amsterdam, New York; Gloves; Knit Fabric Gloves; 2 learners; August 21, 1942.

Dubl-Eagle Hosiery Mill, Bradley Street, Carrollton, Georgia; Hosiery; Seamless Hosiery; 18 learners; April 21, 1942.

John L. Fead and Sons, 1635 Poplar Street, Port Huron, Michigan; Hosiery; Seamless Hosiery; 15 learners; April 21, 1942.

Margate Hosiery Mills, Main and Filmore Streets, Chattanooga, Tennessee; Hosiery; Seamless Hosiery; 5 percent; August 21, 1942.

Wilmington Hosiery Mills, Inc., Front and Orange Streets, Wilmington, Delaware; Hosiery; Seamless Hosiery; 5 learners; August 21, 1942.

Cinderella Underwear Company, Reamstown, Pennsylvania; Knitted Wear; Knitted Underwear; 10 learners; February 12, 1942.

Haynes Textile Company, S. Main Street, Mount Airy, North Carolina; Knitted Wear; Knitted Underwear; 5 learners; August 21, 1942.

Ruby Ross Hats, 640 S. Broadway, Los Angeles, California; Millinery; CustomMade Millinery; 2 learners; August 21, 1942.

The Cincinnati Thread Company, 316 E. Fifth Street, Cincinnati, Ohio; Textile; Thread; 2 learners; August 21, 1942.

Consolidated Textile Company, Inc., Lynchburg, Virginia; Textile; Cotton Sheetings and Print Cloth; 3 percent; August 21, 1942.

L. Hyman Company, Inc., Maxwell Throwing Division, Carpenter Street, Muncy, Pennsylvania; Textile; Silk and Rayon Throwing; 6 learners; February 21, 1942.

Lone Star Cotton Mills, Inc., 1800 12th Street, El Paso, Texas; Textile; Sheeting, Drills, Duck; 3 percent; August 21, 1942.

Signed at Washington, D. C., this 20th day of August 1941.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-6227; Filed, August 20, 1941; 11:34 a. m.]

### CIVIL AERONAUTICS BOARD.

[Docket No. 474]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., FOR AMENDMENT OF ITS EXISTING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS. ACT OF 1938, AS AMENDED

### NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, being the application of Eastern Air Lines, Inc., for consolidation of routes Nos. 5, 20 and 42, is hereby assigned for oral argument before the Board on September 3, 1941, at 10 o'clock a. m., (Eastern Standard Time), in Room 5044, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., August 19.

By the Board.

[SEAL] THOMAS G. EARLY, Secretary.

[F. R. Doc. 41-6197; Filed, August 20, 1941; 9:33 a. m.]

### [Docket No. 544]

IN THE MATTER OF AN AGREEMENT, C. A. B.
NO. 152, BETWEEN PAN AMERICAN AIRWAYS, INC., MATSON NAVIGATION COMPANY, AND INTER-ISLAND STEAM NAVIGATION CO. LTD., RELATING TO JOINT OPERATIONS AND AGENCY AND TRAFFIC ARRANGEMENTS

### NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being a proceeding instituted by the Board to determine whether or not an agreement, C. A. B. No. 152, between the abovenamed parties, evidenced by several instruments filed with the Board under section 412 (a) of the Civil Aeronautics

Act of 1938, as amended, providing, among other things and as more fully set forth in said agreement, (1) for the joint operation of a local air transportation service between the Pacific Coast of the United States and the Hawaiian Islands, as well as for the interchange of certain services and facilities: (2) for the sale by Matson Navigation Company of transportation over the lines of Pan American; and (3) for the sale by Pan American of transportation over the lines of Matson Navigation Company, is adverse to the public interest or in violation of the Civil Aeronautics Act of 1938, now assigned for public hearing on August 25, 1941, is hereby postponed to September 22, 1941, at 10 o'clock a. m. (Eastern Standard Time), in Room 7057, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Berdon M. Bell.

Dated at Washington, D. C., August 19,

By the Board.

[SEAL]

THOMAS G. EARLY, Secretary.

[F. R. Doc. 41-6196; Filed, August 20, 1941; 9:33 a. m.]

### [Docket No. 423]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., FOR A PERMA-NENT CERTIFICATE OF CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

### NOTICE OF HEARING

The above-entitled proceeding, being the application of Eastern Air Lines, Inc., for a certificate of public convenience and necessity authorizing it to engage in the scheduled transportation of persons, property, and mail between the terminal points Memphis, Tenn., and Greenville, S. C., via the intermediate points Florence - Sheffield - Tuscumbia, Ala., Huntsville, Ala., and Chattanooga, Tenn., or in the alternative, an amendment of Route No. 40 to include Huntsville, Ala., Chattanooga, Tenn., and Greenville, S. C., as additional intermediate points, is hereby assigned for public hearing on Monday, September 8, 1941, 10 o'clock a. m. (Eastern Standard Time), in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Berdon M. Bell.

Dated Washington, D. C., August 19, 1941.

By the Board.

[SEAL]

THOMAS G. EARLY, Secretary.

[F. R. Doc. 41-6203; Filed, August 20, 1941; 9:49 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 812-196-1]

In the Matter of Investment Corporation of Philadelphia

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1941.

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 declaring that it has ceased to be an investment company because it is now excepted from said Act pursuant to the provisions of section 3 (c) (1) thereof;

It is ordered, That a hearing on the matter of this application be held on August 26, 1941 at 10:05 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That William W. Swift. Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing hereby is given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

By the Commission.

[SEAL]

ORVAL L. DuBois, Recording Secretary.

[F. R. Doc. 41-6228; Filed, August 20, 1941; 11:39 a. m.]

[File No. 812-177]

IN THE MATTER OF PATHÉ FILM CORPORA-TION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said Act a proposed transfer by the applicant of 3.500 shares of the stock of Dupont Film Manufacturing Corporation to E. I. DuPont deNemours & Company, an affiliated person of the applicant, in consideration for the transfer to the applicant by E. I. DuPont deNemours & Company of 56,750 shares of the latter company's common stock; and for a further order pursuant to the provisions of Section 6 (c) of the said Act granting an exemption from the provisions of Section 17 (e) (1) of the said Act so as to permit the payment of compensation by the applicant to Colonel T. C. Davis. one of its directors for services rendered in connection with the foregoing transaction:

It is ordered, That a hearing on the matter of the application of the above named applicant under the applicable provisions of the said Act and the rules of the Commission for exemption from the provisions of section 17 (a) and 17 (e) (1) of the Investment Company Act of 1940 be held on August 28, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBois, Recording Secretary.

[F. R. Doc. 41-6229; Filed, August 20, 1941; 11: 39 a. m.]

[File Nos. 54-33 and 59-25]

IN THE MATTER OF THE UNITED CORPORATION

ORDER POSTPONING DATE OF HEARING AND
EXTENDING TIME FOR FILING OF ANSWER
BY RESPONDENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of August, A. D. 1941.

The Commission having on the 28th day of July, 1941 issued its Notice of and Order for Hearing pursuant to sections 11 (e), 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 setting the above matter down for a hearing at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., on the 16th day of September 1941 at 10:00 o'clock in the forenoon; and having directed therein that The United Corporation, Respondent file with the Secretary of the Commission on or before the 23d day of August 1941 its answer admitting or denying the allegations set forth in said order; and

The Respondent having formally applied for an order by the Commission postponing the date of the initial hearing herein to a date not earlier than the 15th day of October 1941 and also for an extension of the time within which Respondent's answer is to be filed from the 23d day of August 1941 to the 15th day of September 1941; and

The Commission having considered the reasons advanced by Respondent in support of its request and being of the opinion that such request is not unreasonable or inappropriate and that the granting thereof is not detrimental to the public interest or the interest of investors or consumers:

It is therefore ordered, That the hearing in the above matter initially set for the 16th day of September, 1941 be and hereby is postponed until the 15th day of October, 1941 at 10:00 o'clock in the forenoon of that day at the same place and before the same officer of the Commission as specified in said order of July 28, 1941; on such day the hearing room clerk in Room 1102 will advise as to where the hearing will be held;

It is further ordered, That the time within which Respondent is to file an answer admitting or denying the allegations set forth in said order be and hereby is extended from the 23rd day of August, 1941 to a date not later than the 15th day of September, 1941:

Notice of such postponement and extension of time within which an answer may be filed is hereby given to respondent and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-6230; Filed, August 20, 1941; 11:39 a. m.]

[File No. 70-386]

IN THE MATTER OF CITIZENS GAS FUEL COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than August 28, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Citizens Gas Fuel Company, a gas utility subsidiary of Cities Service Power & Light Company, a registered holding company, proposes to issue and sell to The Chase National Bank of the City of New York its promissory note in the principal amount of \$30,000, bearing interest at the rate of 3½% per annum, to evidence a loan in said amount to be made by the bank to such company. The proceeds of such loan are to be used to pay the costs of making a change over from manufactured gas to natural gas in the City of Adrian, Michigan and environs.

By the Commission.

[SEAL]

ORVAL L. DuBois, Recording Secretary.

[F. R. Doc. 41-6231; Filed, August 20, 1941; 11:39 a. m.]

[File No. 70-380]

IN THE MATTER OF CITIES SERVICE POWER & LIGHT COMPANY AND COMMUNITY TRACTION COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than September 5, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or ap-

plication, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Community Traction Company which operates the street railway system in the city of Toledo, Ohio, and is a non-utility subsidiary of Cities Service Power & Light Company and Cities Service Company, both registered holding companies, is required by the terms of its franchise, Ordinance No. 540-40 of the City of Toledo, passed by Council October 5, 1940, and adopted by electors November 5, 1940, to reacquire and retire not less than \$2,-200,000.00 (and if revenues permit, an additional amount up to \$500,000) principal amount of its outstanding first mortgage bonds during the period from February 1, 1941, to February 1, 1951. The ordinance fixes the price at which such bonds are to be acquired at their principal amount without premium.

The entire issue of such outstanding bonds is owned by Cities Service Power & Light Company.

Community Traction Company requests authority to acquire and Cities Service Power & Light Company to dispose of a maximum of \$2,700,000 principal amount of said bonds from time to time during such period in accordance with the terms of such Ordinance.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Recording Secretary.

[F. R. Doc. 41-6232; Filed, August 20, 1941; 11:40 a. m.]

[File Nos. 70-342, 70-346]

IN THE MATTER OF WISCONSIN ELECTRIC POWER COMPANY AND THE NORTH AMERICAN COMPANY

ORDER APPROVING APPLICATIONS AND DECLARATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1941.

Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company, having filed an application and declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 with respect to (a) its acquisition from The North American Company of all, namely 300,000 shares, of the common stock of Wisconsin Gas & Electric Company having a par value of \$20 per share or an aggregate par value of \$6,000,000 and of all, namely 300,000 shares, of the common stock of Wisconsin Michigan Power Company having a

par value of \$20 per share or an aggregate par value of \$6,000,000 in exchange for 1,265,000 shares of the common stock of Wisconsin Electric Power Company having a par value of \$10 per share or an aggregate par value of \$12,650,000; (b) its issuance of said 1,265,000 shares of common stock in exchange for all of the common stock of Wisconsin Gas & Electric Company and Wisconsin Michigan Power Company; and (c) the transfer to its Reserve for Contingent Losses on Investment in its Transportation Subsidiary and in certain Transportation Properties of (1) an excess of \$3,300,000 in its Reserve for Depreciation and Retirement of Property and Plant, and (2) the sum of \$2,200,000 from its Earned Surplus Account; and

The North American Company having filed an application and declaration pursuant to said Act with respect to (a) its acquisition of the aforesaid 1,265,000 shares of the common stock of Wisconsin Electric Power Company in exchange for all of the common stock of Wisconsin Gas & Electric Company and Wisconsin Michigan Power Company, and (b) its disposition of the said common stock of Wisconsin Gas & Electric Company and Wisconsin Michigan Power Company in the manner aforesaid.

The hearings on said applications and declarations having been consolidated by order of this Commission; and, a public hearing having been held thereon after appropriate notice, the Commission having examined the record and made and filed its findings and opinion based thereon:

It is ordered, That said applications and declarations, as amended, be, and they

are hereby, approved and permitted to become effective, respectively; subject, however, to the terms and conditions prescribed by Rule U-24 and to the following additional condition:

That so long as there are any restrictions on the payment of dividends on the common stock of Wisconsin Electric Power Company that company will so footnote its income statements and balance sheets that any person examining the same will be adequately apprised of such restriction and will not be misled as to the amount then available for distribution as dividends on such stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-6233; Filed, August 20, 1941; 11:40 a. m.]